

House Calendar

Wednesday, May 07, 2014

121st DAY OF THE ADJOURNED SESSION

House Convenes at 10:00 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 673

An act relating to retirement and pension amendments

Amendment to be offered by Rep. Browning of Arlington to H. 673

By striking out Secs. 4 and 5 in their entirety, and by renumbering the remaining sections to be numerically correct.

Amendment to be offered by Rep. Browning of Arlington to H. 673

That the bill be amended as follows:

First: By striking out Sec. 4 in its entirety and inserting a new Sec. 4 to read:

Sec. 4. 16 V.S.A. § 1944d is added to read:

§ 1944d. TEACHER FEE FOR HEALTH CARE

Members of the State Teachers' Retirement System of Vermont as of July 1, 2015 shall pay an annual fee for their health and medical benefits. The fee shall be equivalent to one percent of the value, as approved annually by the Board of Trustees based on the actuary's recommendation, of the average health insurance coverage provided to members. The fee shall be paid by members at a time and in a manner to be determined by the Board.

Second: By striking out Sec. 5 in its entirety, and by renumbering the remaining sections to be numerically correct.

Amendment to be offered by Rep. Browning of Arlington to H. 673

By inserting a new Sec. 7 to read:

Sec. 7. REPEAL

On July 1, 2015, 32 V.S.A. chapter 135 (education property tax) is repealed.
and by renumbering the remaining section to be numerically correct.

Favorable with Amendment

S. 237

An act relating to civil forfeiture proceedings in cases of animal cruelty

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

First: In Sec. 1, 13 V.S.A. § 354, in subsection (d), in the second sentence, after the words “motion for forfeiture” by adding, if a criminal charge has been filed, or a petition for forfeiture if no criminal charge has been filed

Second: In Sec. 1, 13V.S.A. § 354, in subdivision (f)(2), after the second sentence by adding “Upon request of the other party or the Court, the party offering an affidavit shall make the affiant available by telephone at the hearing.”

(Committee vote: 8-0-3)

(For text see Senate Journal March 11, 2014)

Senate Proposal of Amendment

H. 497

An act relating to the open meeting law

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 1 V.S.A. § 310 is amended to read:

§ 310. DEFINITIONS

As used in this subchapter:

(1) “Deliberations” means weighing, examining, and discussing the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.

(2) “Meeting” means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action. “Meeting” shall not mean written correspondence or an electronic communication, including e-mail, telephone, or teleconferencing, between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that such a written correspondence or such an electronic communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act as set forth in chapter 5, subchapter 3 of this title.

(3) “Public body” means any board, council, or commission of the ~~state~~ State or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the ~~state~~ State or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils, or commissions, except that “public body” does not include councils or similar groups established by the ~~governor~~ Governor for the sole purpose of advising the ~~governor~~ Governor with respect to policy.

(4) “Publicly announced” means that notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the ~~state~~ State in which the public body has jurisdiction, and to any ~~editor, publisher or news director~~ person who has requested under subdivision 312(c)(5) of this title to be notified of special meetings.

(5) “Quasi-judicial proceeding” means a proceeding which is:

(A) a contested case under the Vermont Administrative Procedure Act; or

(B) a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority.

Sec. 2. 1 V.S.A. § 312 is amended to read:

§ 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

(a)(1) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding except as taken or made at such open meeting, except as provided under ~~section~~ subdivision 313(a)(2) of this title. ~~A meeting may be conducted by audio conference or other electronic means, as long as the provisions of this subchapter are met. A meeting of a public body is subject to the public accommodation requirements of 9 V.S.A. chapter 139. A public body shall electronically record by audio tape, all public hearings held to provide a forum for public comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall have access to copies of such tapes~~ electronic recordings as described in section 316 of this title.

(2) Participation in meetings through electronic or other means.

(A) As long as the requirements of this subchapter are met, one or more of the members of a public body may attend a regular, special, or emergency meeting by electronic or other means without being physically

present at a designated meeting location.

(B) If one or more members attend a meeting by electronic or other means, such members may fully participate in discussing the business of the public body and voting to take an action, but any vote of the public body shall be taken by roll call.

(C) Each member who attends a meeting without being physically present at a designated meeting location shall:

(i) identify himself or herself when the meeting is convened; and

(ii) be able to hear the conduct of the meeting and be heard throughout the meeting.

(D) If a quorum or more of the members of a public body attend a meeting without being physically present at a designated meeting location, the following additional requirements shall be met:

(i) At least 24 hours prior to the meeting, or as soon as practicable prior to an emergency meeting, the public body shall publicly announce the meeting, and a municipal public body shall post notice of the meeting in or near the municipal clerk's office and in at least two other designated public places in the municipality.

(ii) The public announcement and posted notice of the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the public body, or at least one staff or designee of the public body, shall be physically present at each designated meeting location.

(b)(1) Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information:

(A) All members of the public body present;

(B) All other active participants in the meeting;

(C) All motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same; and

(D) The results of any votes, with a record of the individual vote of each member if a roll call is taken.

(2) Minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request

after five days from the date of any meeting. Meeting minutes shall be posted no later than five days from the date of the meeting to a website, if one exists, that the public body maintains or has designated as the official website of the body.

(c)(1) The time and place of all regular meetings subject to this section shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution, or other determining authority of the public body, and this information shall be available to any person upon request. The time and place of all public hearings and meetings scheduled by all Executive Branch State agencies, departments, boards, or commissions shall be available to the public as required under 3 V.S.A. § 2222(c).

(2) The time, place, and purpose of a special meeting subject to this section shall be publicly announced at least 24 hours before the meeting. Municipal public bodies shall post notices of special meetings in or near the municipal clerk's office and in at least two other designated public places in the municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting.

(3) Emergency meetings may be held without public announcement, without posting of notices and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.

(4) Any adjourned meeting shall be considered a new meeting, unless the time and place for the adjourned meeting is announced before the meeting adjourns.

(5) ~~An editor, publisher or news director of any newspaper, radio station or television station serving the area of the state in which the public body has jurisdiction~~ A person may request in writing that a public body notify the ~~editor, publisher or news director~~ person of special meetings of the public body. The request shall apply only to the calendar year in which it is made, unless made in December, in which case it shall apply also to the following year.

(d)(1) ~~The~~ At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda for a regular or special meeting shall be:

(A) posted to a website, if one exists, that the public body maintains

or designates as the official website of the body; and

(B) in the case of a municipal public body, posted in or near the municipal office and in at least two other designated public places in the municipality.

(2) A meeting agenda shall be made available to ~~the news media or concerned persons~~ a person prior to the meeting upon specific request.

(3)(A) Any addition to or deletion from the agenda shall be made as the first act of business at the meeting.

(B) Any other adjustment to the agenda may be made at any time during the meeting.

(e) Nothing in this section or in section 313 of this title shall be construed as extending to the ~~judicial branch~~ Judicial Branch of the ~~government~~ Government of Vermont or of any part of the same or to the ~~public service board~~ Public Service Board; nor shall it extend to the deliberations of any public body in connection with a quasi-judicial proceeding; nor shall anything in this section be construed to require the making public of any proceedings, records, or acts which are specifically made confidential by the laws of the United States of America or of this ~~state~~ State.

(f) A written decision issued by a public body in connection with a quasi-judicial proceeding need not be adopted at an open meeting if the decision will be a public record.

(g) The provisions of this subchapter shall not apply to site inspections for the purpose of assessing damage or making tax assessments or abatements, clerical work, or work assignments of staff or other personnel. Routine, day-to-day administrative matters that do not require action by the public body, may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered.

(h) At an open meeting the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson. This subsection shall not apply to quasi-judicial proceedings.

(i) Nothing in this section shall be construed to prohibit the ~~parole board~~ Parole Board from meeting at correctional facilities with attendance at the meeting subject to rules regarding access and security established by the superintendent of the facility.

Sec. 3. 1 V.S.A. § 313 is amended to read:

§ 313. EXECUTIVE SESSIONS

(a) No public body ~~described in section 312 of this title~~ may hold an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session except for actions relating to the securing of real estate options under subdivision (2) of this subsection. Minutes of an executive session need not be taken, but if they are, shall not be made public subject to subsection 312(b) of this title. A public body may not hold an executive session except to consider one or more of the following:

(1) ~~Contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions, or prosecutions by the state, where~~ after making a specific finding that premature general public knowledge would clearly place the ~~state, municipality, other~~ public body; or a person involved at a substantial disadvantage;

(A) contracts;

(B) labor relations agreements with employees;

(C) arbitration or mediation;

(D) grievances, other than tax grievances;

(E) pending or probable civil litigation or a prosecution, to which the public body is or may be a party;

(F) confidential attorney-client communications made for the purpose of providing professional legal services to the body;

(2) ~~The~~ the negotiating or securing of real estate purchase or lease options;

(3) ~~The~~ the appointment or employment or evaluation of a public officer or employee other than the appointment of a person to a public body or to any elected office;

(4) A a disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;

(5) A a clear and imminent peril to the public safety;

(6) ~~Discussion or consideration of records or documents excepted records exempt~~ from the access to public records provisions of section ~~317~~ 316 of this title. ~~Discussion or consideration of the excepted record or document;~~ provided, however, that discussion of the exempt record shall not itself permit an extension of the executive session to the general subject to which the record ~~or document~~ pertains;

(7) ~~The~~ the academic records or suspension or discipline of students;

(8) ~~Testimony~~ testimony from a person in a parole proceeding conducted by the Parole Board if public disclosure of the identity of the person could result in physical or other harm to the person;

(9) ~~Information~~ information relating to a pharmaceutical rebate or to supplemental rebate agreements, which is protected from disclosure by federal law or the terms and conditions required by the Centers for Medicare and Medicaid Services as a condition of rebate authorization under the Medicaid program, considered pursuant to 33 V.S.A. §§ 1998(f)(2) and 2002(c);

(10) municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety.

* * *

Sec. 4. 1 V.S.A. § 314 is amended to read:

§ 314. PENALTY AND ENFORCEMENT

(a) A person who is a member of a public body and who knowingly and intentionally violates the provisions of this subchapter, a person who knowingly and intentionally violates the provisions of this subchapter on behalf or at the behest of a public body, or a person who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting for which provision is herein made, shall be guilty of a misdemeanor and shall be fined not more than \$500.00.

(b)(1) ~~The attorney general~~ Prior to instituting an action under subsection (c) of this section, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter shall provide the public body written notice that alleges a specific violation of this subchapter and requests a specific cure of such violation. The public body will not be liable for attorney's fees and litigation costs under subsection (d) of this section if it cures in fact a violation of this subchapter in accordance with the requirements of this subsection.

(2) Upon receipt of the written notice of alleged violation, the public body shall respond publicly to the alleged violation within seven business days by:

(A) acknowledging the violation of this subchapter and stating an intent to cure the violation within 14 calendar days; or

(B) stating that the public body has determined that no violation has occurred and that no cure is necessary.

(3) Failure of a public body to respond to a written notice of alleged violation within seven business days shall be treated as a denial of the violation for purposes of enforcement of the requirements of this subchapter.

(4) Within 14 calendar days after a public body acknowledges a violation under subdivision (2)(A) of this subsection, the public body shall cure the violation at an open meeting by:

(A) either ratifying, or declaring as void, any action taken at or resulting from a meeting in violation of this subchapter; and

(B) adopting specific measures that actually prevent future violations.

(c) Following an acknowledgment or denial of a violation and, if applicable, following expiration of the 14-calendar-day cure period for public bodies acknowledging a violation, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter may ~~apply to the superior court~~ bring an action in the Civil Division of the Superior Court in the county in which the violation has taken place for appropriate injunctive relief or for a declaratory judgment. An action may be brought under this section no later than one year after the meeting at which the alleged violation occurred or to which the alleged violation relates. Except as to cases the ~~court~~ Court considers of greater importance, proceedings before the ~~superior court~~ Civil Division of the Superior Court, as authorized by this section and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(d) The Court shall assess against a public body found to have violated the requirements of this subchapter reasonable attorney's fees and other litigation costs reasonably incurred in any case under this subchapter in which the complainant has substantially prevailed, unless the Court finds that:

(1)(A) the public body had a reasonable basis in fact and law for its position; and

(B) the public body acted in good faith. In determining whether a public body acted in good faith, the Court shall consider, among other factors, whether the public body responded to a notice of an alleged violation of this subchapter in a timely manner under subsection (b) of this section; or

(2) the public body cured the violation in accordance with subsection (b)

of this section.

Sec. 5. 24 V.S.A. § 1964 is amended to read:

§ 1964. STRUCTURE OF THE COMMUNITY JUSTICE BOARDS;
CONFIDENTIALITY OF CERTAIN RESTORATIVE JUSTICE
MEETINGS

(a) Each community justice center:

(1) ~~Shall~~ shall have an advisory board comprised of at least 51 percent citizen volunteers;

(2) ~~May~~ may use a variety of community-based restorative justice approaches, including ~~community~~ restorative justice panels or boards, group conferencing, or mediation; and

(3) ~~Shall~~ shall include programs to resolve disputes, address the needs of victims, address the wrongdoing of the offender, and promote the rehabilitation of youthful and adult offenders.

(b) Meetings of restorative justice panels and meetings to conduct restorative justice group conferencing or mediation shall not be subject to the Vermont Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

Sec. 6. EFFECTIVE DATES

This act shall take effect on July 1, 2014. However, a person who violates 1 V.S.A. § 312(b)(2) as amended by this act (requirement to post minutes to website, if any) shall not be subject to prosecution for such violation pursuant to 1 V.S.A. § 314(a) in connection with any meeting that occurs before July 1, 2015.

(For text see House Journal May 2, 5, 2014)

H. 790

An act relating to Reach Up eligibility

The Senate proposes to the House to amend the bill as follows:

* * * Reach Up Asset Limit and Earned Income Counseling * * *

Sec. 1. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

(a) Financial assistance shall be given for the benefit of a dependent child to the relative or caretaker with whom the child is living unless otherwise provided. The amount of financial assistance to which an eligible person is entitled shall be determined with due regard to the income, resources, and

maintenance available to that person and, as far as funds are available, shall provide that person a reasonable subsistence compatible with decency and health. The Commissioner may fix by regulation maximum amounts of financial assistance, and act to ~~insure~~ ensure that the expenditures for the programs shall not exceed appropriations for them consistent with section 101 of this title. In no case may the Department expend State funds in excess of the appropriations for the programs under this chapter.

* * *

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

* * *

(5) The value of assets accumulated from the earnings of adults and children in participating families and from any federal or Vermont earned income tax credit shall be excluded for purposes of determining continuing eligibility for the Reach Up program. The asset limitation shall be ~~increased from \$1,000.00 to \$2,000.00~~ \$5,000.00 for participating families for the purposes of determining continuing eligibility for the Reach Up program.

* * *

Sec. 2. 33 V.S.A. § 1107(a) is amended to read:

(a)(1) The Commissioner shall provide all Reach Up services to participating families through a case management model informed by knowledge of the family's home, community, employment, and available resources. Services may be delivered in the district office, the family's home, or community in a way that facilitates progress toward accomplishment of the family development plan. Case management may be provided to other eligible families. The case manager, with the full involvement of the family, shall recommend, and the Commissioner shall modify as necessary a family development plan established under the Reach First or Reach Up program for each participating family, with a right of appeal as provided by section 1132 of this title. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager the family was assigned in the Reach First program. The applicant for or recipient of financial assistance, under this chapter, shall have the burden of demonstrating the existence of his or her condition.

(2) In addition to the services provided pursuant to subsection (b) of this section, the Commissioner shall provide for a mandatory case review for each

participating family with a program director or the program director's designee when the family reaches 18 and 36 months of enrollment, respectively, in the Reach Up program to assess whether the participating family:

(A) is in compliance with a family development plan or work requirement;

(B) is properly claiming a deferment, if applicable; ~~and~~

(C) has any unaddressed barriers to self-sufficiency and, if so, how those barriers may be better addressed by the Department for Children and Families or other State programs; and

(D) has additional opportunities to achieve earned income through the program without a corresponding loss of benefits.

(3) The case manager shall meet with each participating family following any statutory or rule changes affecting the amount of the earned income disregard, asset limitations, or other eligibility or benefit criteria in the Reach Up program to inform the family of the changes and advise the family about ways to maximize the opportunities to achieve earned income without a corresponding loss of benefits.

* * * Enhanced Child Care Services Subsidy * * *

Sec. 3. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE SERVICES ~~PROGRAM~~ PROGRAMS; ELIGIBILITY

(a)(1) A child care services program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment or to obtain training leading to employment. Families seeking employment shall not be entitled to participate in the program for a period in excess of one month, unless that period is extended by the Commissioner.

~~(b)(2)~~ (2) The subsidy authorized by this ~~section~~ subsection shall be on a sliding scale basis. The scale shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the federal poverty guidelines. The upper income limit of the fee scale shall be neither less than 200 percent of the federal poverty guidelines nor more than 100 percent of the ~~state~~ State median income, adjusted for the size of the family. The scale shall be structured so that it encourages employment.

(b)(1) An enhanced child care services subsidy program is established for

families participating in the Reach Ahead program.

(2) The enhanced child care services subsidy program established by this subsection shall be administered by the Department's Child Development Division. The Commissioner shall adopt rules necessary for the administration of the program pursuant to 3 V.S.A. chapter 25.

(3) The subsidy authorized by this subsection shall be no greater than 100 percent of the subsidy provided in subsection (a) of this section.

(4) A participating family shall remain eligible for the enhanced child care services subsidy program between 12 and 24 months as long as one or more dependent children of a working parent or parents are receiving child care services. The Commissioner for Children and Families may extend the subsidy beyond 24 months if the Commissioners for Children and Families and of Finance and Management determine jointly that an extension can be accommodated within appropriated resources.

(5) The enhanced child care services subsidy program shall be funded through savings resulting from caseload reductions in the Reach Up program. If there are insufficient savings from caseload reductions to fund the program, the program shall be suspended or modified.

Sec. 4. INTERIM REPORT

The Department for Children and Families shall submit a written report to the Health Care Oversight Committee on or before November 1, 2014 regarding the estimated cost of the enhanced child care services subsidy program and projected caseload reduction savings in the Reach Up program.

Sec. 5. BUDGET PRESENTATION

The Department for Children and Families shall include as part of its fiscal year 2016 budget presentation to the General Assembly a preliminary estimate of the projected Reach Up program cost reduction associated with caseload estimates below the level appropriated for fiscal year 2015, as well as the parameters and cost projections for the enhanced child care services subsidy established pursuant to 33 V.S.A. § 3512(b).

* * * Asset Limit and Child Care Services Subsidy Offset * * *

Sec. 6. 33 V.S.A. § 1204 is amended to read:

§ 1204. FOOD ASSISTANCE

(a)(1) An eligible family shall receive monthly food assistance equal to ~~\$100.00~~ \$50.00 to be applied to the family's electronic benefit transfer (EBT) food account for the first ~~six~~ 12 months after the family has become eligible for Reach Ahead.

(2) For the ~~seventh~~ 12th through ~~12th~~ 24th months, the family shall receive a monthly food assistance of ~~\$50.00~~ \$25.00.

* * *

(d) The 12th through the 24th months of assistance shall be funded through savings resulting from caseload reductions in the Reach Up program. If there are insufficient savings from caseload reductions to fund the 12th through the 24th months of assistance, the assistance shall be suspended or modified.

Sec. 7. 33 V.S.A. § 1205 is amended to read:

§ 1205. REQUIRED SERVICES TO PARTICIPATING FAMILIES

(a) The Commissioner shall provide participating families Reach Ahead services, case management services if necessary, and referral to any agencies or programs, including workforce development, that provide the services needed by participating families to improve the family's prospects for employment retention. Reach Ahead services shall be provided for ~~12~~ 24 months.

(b) A participating family shall be eligible for an enhanced child care services subsidy during its ~~12th~~ 12th through 24th month on the Reach Ahead program pursuant to subsection 3512(b) of this title.

Sec. 8. REACH AHEAD; GRANDFATHER PROVISION

Notwithstanding 33 V.S.A. § 1204(a), any family within the first six months of its participation in the Reach Ahead program on January 1, 2015 shall continue to receive monthly food assistance equal to \$100.00 until its seventh month of participation in the program, at which time it shall receive monthly food assistance equal to \$50.00 for the remainder of the initial 12-month period.

* * * Effective Dates * * *

Sec. 9. EFFECTIVE DATES

This act shall take effect on July 1, 2014, except that:

(1) Secs. 1, 6(a)(1), and 8 shall take effect on January 1, 2015; and

(2) Secs. 3, 6(a)(2) and (d), and 7 shall take effect on July 1, 2015.

(For text see House Journal March 21, 2014)

H. 877

An act relating to repeal of report requirements that are at least five years old

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Reports Exempt from 2 V.S.A. § 20(d) * * *

Sec. 1. 2 V.S.A. § 263(j) is amended to read:

(j) The ~~secretary of state~~ Secretary of State shall prepare a list of names and addresses of lobbyists and their employers and the list shall be published at the end of the second legislative week of each regular or adjourned session. Supplemental lists shall be published monthly during the remainder of the legislative session. No later than March 15 of the first year of each legislative biennium, the ~~secretary of state~~ Secretary of State shall publish no fewer than 500 booklets containing an alphabetical listing of all registered lobbyists, including, at a minimum, a current passport-type photograph of the lobbyist, the lobbyist's business address, telephone and fax numbers, a list of the lobbyist's clients and a subject matter index. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be made under this subsection.

Sec. 2. 2 V.S.A. § 404(b)(6) is amended to read:

(6) Except when the ~~general assembly~~ General Assembly is in session and upon the request of any person provide him or her, on a weekly basis, with a list of all public hearings or meetings scheduled by a council, committee, subcommittee, commission or study committee of the ~~general assembly~~ General Assembly or any cancellations of hearings or meetings thereof previously scheduled. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be made under this subdivision;

Sec. 3. 2 V.S.A. § 802(b) is amended to read:

(b) At least annually, the ~~committee~~ Committee shall report its activities, together with recommendations, if any, to the ~~general assembly~~ General Assembly. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be made under this subsection.

Sec. 4. 2 V.S.A. § 970(g) is amended to read:

(g) At least annually, by January 15, the Committee shall report its activities, together with recommendations, if any, to the General Assembly. The report shall be in brief summary form. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be

made under this subsection.

Sec. 5. 3 V.S.A. § 23(d) is amended to read:

(d) Reporting. The ~~commission~~ Commission shall submit an annual report, which shall be prepared by the ~~secretary of commerce and community development~~ Secretary of Commerce and Community Development, to the ~~house committee on commerce~~ House Committee on Commerce and Economic Development, the ~~senate committee on economic development, housing and general affairs~~ Senate Committee on Economic Development, Housing and General Affairs, the ~~governor~~ Governor, and Vermont's congressional delegation. The report shall contain information acquired pursuant to activities carried out under subsection (c) of this section. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 6. 3 V.S.A. § 309(a)(19) is amended to read:

(19) Annually on or before January 15, the ~~commissioner of human resources~~ Commissioner of Human Resources shall submit to the ~~general assembly~~ General Assembly a report on the status of the ~~state~~ State employee workforce. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. All reporting on numbers of ~~state~~ State employees shall include numbers stated in "full-time equivalent" positions. The report shall consolidate reports mandated by the ~~general assembly~~ General Assembly, as well as other information regarding developments in ~~state~~ State employment, including:

- (A) Use of temporary employees.
- (B) Use of limited service positions.
- (C) Vacancies of more than six months' duration.
- (D) Use of emergency volunteer leave under section 265 of this title.
- (E) Development of compensation plans.
- (F) Developments in equal employment opportunity.
- (G) Use of the position management system.
- (H) Abolished or transferred classified and exempt ~~state~~ State positions.

Sec. 7. 3 V.S.A. § 344(b) is amended to read:

(b) The information on contracts shall be reported to the ~~general assembly~~ General Assembly in the annual workforce report required under subdivision 309(a)(19) of this title. The provisions of 2 V.S.A. § 20(d) (expiration of

required reports) shall not apply to the report to be made under this subsection.

Sec. 8. 3 V.S.A. § 471 is amended to read:

§ 471. RETIREMENT BOARD; MEDICAL BOARD; ACTUARY; RATES OF CONTRIBUTION; SAFEKEEPING OF SECURITIES

* * *

(g) The ~~retirement board~~ Retirement Board shall keep a record of all its proceedings, which shall be open to public inspection. It shall publish annually and distribute to the ~~general assembly~~ General Assembly a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the retirement system by means of an actuarial valuation of the assets and liabilities of the system. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

* * *

(n) The ~~board~~ Board shall review annually the amount of ~~state~~ State contribution recommended by the actuary of the retirement system as necessary to achieve and preserve the financial integrity of the fund established pursuant to section 473 of this title. Based on this review, the ~~board~~ Board shall recommend the amount of ~~state~~ State contribution that should be appropriated for the next fiscal year to achieve and preserve the financial integrity of the fund. On or before November 1 of each year, the ~~board~~ Board shall submit this recommendation to the ~~governor~~ Governor and the ~~house and senate committees on government operations and appropriations~~ House and Senate Committees on Government Operations and Appropriations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 9. 3 V.S.A. § 473a is amended to read:

§ 473a. PERIODIC ACTUARIAL REPORTS

The ~~board~~ Board shall cause to be made an actuarial reevaluation of the rate of member contributions deducted from earnable compensation pursuant to subdivision 473(b)(2) of this title, on a periodic basis at least every three years, to determine whether the amount deducted is necessary to make the contributions picked up and paid by the ~~state~~ State for such members cost neutral to the ~~general fund~~ General Fund. The actuarial reevaluation shall consider all relevant factors, including federal tax law changes. The ~~board~~ Board shall report the results of the actuarial reevaluation to the ~~general assembly~~ General Assembly together with any recommendations for

adjustment in the members' contribution rate under subdivision 473(b)(2). The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 10. 3 V.S.A. § 847(b) is amended to read:

(b) The ~~secretary of state~~ Secretary of State shall publish not less than quarterly a bulletin setting forth the text of all rules filed since the immediately preceding publication and any objections filed under subsection 842(b) or 844(e) of this title. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 11. 3 V.S.A. § 2222(c) is amended to read:

(c) The Secretary shall compile, weekly, a list of all public hearings and meetings scheduled by all ~~executive branch state~~ Executive Branch State agencies, departments, boards, or commissions during the next ensuing week. The list shall be distributed to any person in the State at that person's request. Each ~~executive branch state~~ Executive Branch State agency, department, board, or commission shall notify the Secretary of all public hearings and meetings to be held and any cancellations of such hearings or meetings. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 12. 3 V.S.A. § 2281 is amended to read:

§ 2281. DEPARTMENT OF FINANCE AND MANAGEMENT

The ~~department of finance and management~~ Department of Finance and Management is created in the ~~agency of administration~~ Agency of Administration and is charged with all powers and duties assigned to it by law, including the following:

(1) ~~to~~ To administer the financial transactions of the ~~state~~ State, including payroll transactions, in accordance with the law and within the limits of appropriations made by the ~~general assembly~~; General Assembly.

(2) ~~to~~ To conduct management studies and audits of the performance of ~~state~~ State government;

(3) ~~to~~ To prepare the ~~executive~~ Executive budget;

(4) ~~to~~ To report on an annual basis to the ~~joint fiscal committee~~ Joint Fiscal Committee at its November meetings on the allocation of funds contained in the annual pay acts and the allocation of funds in the annual appropriations act which relate to those annual pay acts. The report shall include the formula for computing these funds, the basis for the formula, and the distribution of the different funding sources among state agencies. The

report shall also be submitted to the members of the ~~house and senate committees on government operations and appropriations;~~ House and Senate Committees on Government Operations and Appropriations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

(5) ~~to~~ To maintain a central payroll office which shall be the successor to and continuation of the payroll functions of the ~~department of human resources~~ Department of Human Resources.

Sec. 13. 4 V.S.A. § 608(e) is amended to read:

(e) On or before the tenth Thursday after the convening of each biennial and adjourned session the ~~committee~~ Committee shall report to the ~~general assembly~~ General Assembly its recommendation whether the candidates should continue in office, with any amplifying information which it may deem appropriate, in order that the ~~general assembly~~ General Assembly may discharge its obligation under section 34 of Chapter II of the Constitution of the State of Vermont ~~constitution.~~ The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 14. 6 V.S.A. § 793(a) is amended to read:

(a) The council shall:

* * *

(2) Submit policy recommendations to the ~~secretary~~ Secretary on any of the subject matter set forth under subdivision (1) of this subsection. A copy of the policy recommendations submitted to the ~~secretary~~ Secretary shall be provided to the ~~house and senate committees on agriculture~~ House Committee on Agriculture and Forest Products and the Senate Committee on Agriculture. Recommendations may be in the form of proposed legislation. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

(3) Meet at least annually and at such other times as the chair determines to be necessary.

(4) Submit minutes of the council annually, on or before January 15, to the ~~house and senate committees on agriculture~~ House Committee on Agriculture and Forest Products and the Senate Committee on Agriculture. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 15. 6 V.S.A. § 2966(e) is amended to read:

(e) Annual report. The Board shall make available a report, at least annually, to the Administration, the House Committee on Agriculture and Forest Products, the Senate Committee on Agriculture, the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, and the people of Vermont on the State's progress toward attaining the goals and outcomes identified in the comprehensive agricultural and forest products economic development plan. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 16. 10 V.S.A. § 217(b) is amended to read:

(b) Prior to February 1 in each year, the ~~authority~~ Authority shall submit a report of its activities for the preceding fiscal year to the ~~governor~~ Governor and to the ~~general assembly~~ General Assembly. The report shall set forth a complete operating and financial statement covering its operations during the year. The ~~authority~~ Authority shall cause an audit of its books and accounts to be made at least once in each year by a certified public accountant and its cost shall be considered an expense of the ~~authority~~ Authority and a copy shall be filed with the ~~state treasurer~~ State Treasurer. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 17. 10 V.S.A. § 639(a) is amended to read:

(a) On or before the last day of January in each year, the ~~agency~~ Agency shall submit a report of its activities for the preceding fiscal year to the ~~governor~~ Governor and to the ~~general assembly~~ General Assembly, specifically the committees in the ~~house~~ House and ~~senate~~ Senate with jurisdiction over housing. Each report shall set forth a complete operating and financial statement covering its operations during the year, including the ~~agency's~~ Agency's present and projected economic health, amount of indebtedness, a statement of the amounts received from funds generated by interest from real estate escrow and trust accounts established pursuant to 26 V.S.A. § 2214(c), a list and description of the programs to which IORTA funds were provided and the amounts distributed to each county. The ~~agency~~ Agency shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants; the cost shall be considered an expense of the agency and a copy shall be filed with the ~~state treasurer~~ State Treasurer. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 18. 10 V.S.A. § 1253(d) is amended to read:

(d) The Secretary shall determine what degree of water quality and

classification should be obtained and maintained for those waters not classified by the Board before 1981 following the procedures in sections 1254 and 1258 of this title. Those waters shall be classified in the public interest. The Secretary shall revise all 17 basin plans by January 1, 2006, and update them every five years thereafter. On or before January 1 of each year, the Secretary shall report to the House Committees on Agriculture and Forest ~~Product~~ Products, on Natural Resources and Energy, and on Fish, Wildlife and Water Resources, and to the Senate Committees on Agriculture and on Natural Resources and Energy regarding the progress made and difficulties encountered in revising basin plans. By January 1, 1993, the Secretary shall prepare an overall management plan to ensure that the water quality standards are met in all State waters. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 19. 10 V.S.A. § 1941(e) is amended to read:

(e) The Secretary shall establish a Petroleum Cleanup Fund Advisory Committee which shall meet not less than annually to review receipts and disbursements from the Fund, to evaluate the effectiveness of the Fund in meeting its purposes, the reasonableness of the cost of cleanup and to recommend alterations and statutory amendments deemed appropriate. The Advisory Committee shall submit an annual report of its findings to the General Assembly on January 15 of each year. In its annual report, the Advisory Committee shall review the financial stability of the Fund, evaluate the implementation of assistance related to underground farm or residential heating fuel storage tanks and aboveground storage tanks, and the need for continuing assistance, and shall include recommendations for sustainable funding sources to finance the provision of that assistance. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. The membership of the Committee shall include the following or their designated representative:

- (1) the Secretary of Natural Resources who shall be chairperson;
- (2) the Commissioner of Environmental Conservation;
- (3) the Commissioner of Financial Regulation;
- (4) a licensed gasoline distributor;
- (5) a retail gasoline dealer;
- (6) a representative of a statewide refining-marketing petroleum association;
- (7) one member of the House to be appointed by the Speaker of the House;

(8) one member of the Senate to be appointed by the Committee on Committees;

(9) a licensed heating fuel dealer;

(10) a representative of a statewide heating fuel dealers' association;

(11) a licensed real estate broker.

Sec. 20. 10 V.S.A. § 1961(a)(5) is amended to read:

(5) On or before June 15, 1991 and every January thereafter present a report to the Vermont ~~legislature~~ General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision. The report shall include the following:

(A) An update on the quality of the waters of the lake.

(B) Findings of pertinent research.

(C) An action plan including, ~~but not limited to,~~ water quality and fishery improvement measures and ways to enhance public use of and access to the lake.

(D) Recommended budgets and revenue sources including an expanded lake user fee structure.

Sec. 21. 10 V.S.A. § 2721(c) is amended to read:

(c) ~~The commissioner of forests, parks and recreation~~ Commissioner of Forests, Parks and Recreation shall report in writing to the ~~senate and house committees on agriculture~~ Senate Committee on Agriculture and the House Committee on Agriculture and Forest Products and the ~~senate and house committees on natural resources and energy~~ Senate and House Committees on Natural Resources and Energy on or before January 31 of each year on the activities and performance of the forestry and forest products viability program. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. At a minimum, the report shall include:

(1) an evaluation of the program utilizing the performance goals and evaluative measures established pursuant to subdivision (a)(5)(C) of this section;

(2) a summary of the money received in the ~~fund~~ Fund and expended from the ~~fund~~ Fund;

(3) an estimate of the financial impact of the Vermont ~~forestry and forest products viability program~~ Forestry and Forest Products Viability Program on the forestry and forest products industries;

(4) an assessment of the potential demand for the ~~program~~ Program over the succeeding three years; and

(5) a listing of individuals, trade associations, and other persons or entities consulted in preparation of the report.

Sec. 22. 10 V.S.A. § 4145(c) is amended to read:

(c) The ~~commissioner~~ Commissioner shall keep account of funds, including private donations and ~~state~~ State appropriations, which are deposited into the ~~fish and wildlife fund~~ Fish and Wildlife Fund for the purpose of building and maintaining access areas and shall annually, on or before January 15, report to the ~~house committee on fish, wildlife and water resources~~ House Committee on Fish, Wildlife and Water Resources, the ~~senate committee on natural resources and energy~~ Senate Committee on Natural Resources and Energy and to the ~~senate and house committees on appropriations~~ Senate and House Committees on Appropriations, concerning the use of those funds in the past year and plans for use of the funds for the coming year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 23. 10 V.S.A. § 6503(a) is amended to read:

(a) The ~~committee~~ Committee shall report to the ~~general assembly~~ General Assembly its recommendation to approve or not to approve the petition for the facility together with such additional information and comment it deems appropriate. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 24. 10 V.S.A. § 8017 is amended to read:

§ 8017. ANNUAL REPORT

The ~~secretary~~ Secretary and the ~~attorney general~~ Attorney General shall report annually to the ~~president pro tempore of the senate~~ President Pro Tempore of the Senate, the ~~speaker of the house~~ Speaker of the House, the ~~house committee on fish, wildlife and water resources~~ House Committee on Fish, Wildlife and Water Resources, and the ~~senate and house committees on natural resources and energy~~ Senate and House Committees on Natural Resources and Energy. The report shall be filed no later than January 15, on the enforcement actions taken under this chapter, and on the status of citizen complaints about environmental problems in the ~~state~~ State. The report shall describe, at a minimum, the number of violations, the actions taken, disposition of cases, the amount of penalties collected, and the cost of administering the enforcement program. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under

this section.

Sec. 25. 15 V.S.A. § 1140(g) is amended to read:

(g) The ~~commission~~ Commission shall report its findings and recommendations to the ~~governor~~ Governor, the ~~general assembly~~ General Assembly, the ~~chief justice of the Vermont supreme court~~ Chief Justice of the Vermont Supreme Court, and the Vermont ~~council on domestic violence~~ Council on Domestic Violence no later than the third Tuesday in January of the first year of the biennial session. The report shall be available to the public through the ~~office of the attorney general~~ Office of the Attorney General. The ~~commission~~ Commission may issue data or other information periodically, in addition to the biennial report. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 26. 16 V.S.A. § 164(17) is amended to read:

(17) Report annually on the condition of education statewide and on a school by school basis. The report shall include information on attainment of standards for student performance adopted under subdivision 164(9) of this section, number and types of complaints of harassment or hazing made pursuant to section 565 of this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school to determine its strengths and weaknesses. The ~~commissioner~~ Commissioner shall use the information in the report in determining whether students in each school are provided educational opportunities substantially equal to those provided in other schools pursuant to subsection 165(b) of this title. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 27. 16 V.S.A. § 165(a)(2) is amended to read:

(2) The school, at least annually, reports student performance results to community members in a format selected by the school board. In the case of a regional technical center, the community means the school districts in the service region. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision. The school report shall include:

* * *

Sec. 28. 16 V.S.A. § 1942(r) is amended to read:

(r) The ~~board~~ Board shall review annually the amount of state State

contribution recommended by the actuary of the retirement system as necessary to achieve and preserve the financial integrity of the fund established pursuant to section 1944 of this title. Based on this review, the ~~board~~ Board shall determine the amount of ~~state~~ State contribution necessary for the next fiscal year to achieve and preserve the financial integrity of the funds. On or before November 1 of each year, the ~~board~~ Board shall inform the ~~governor~~ Governor and the ~~house and senate committees on government operations and on appropriations~~ House and Senate Committees on Government Operations and on Appropriations in writing about the amount needed. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 29. 16 V.S.A. § 2835 is amended to read:

§ 2835. CONTROLS, AUDITS, AND REPORTS

Control of funds appropriated and all procedures incident to the carrying out of the purposes of this chapter shall be vested in the ~~board~~ Board. The books of account of the corporation shall be audited annually by an independent public accounting firm registered in the ~~state~~ State of Vermont in accordance with government auditing standards issued by the ~~United States~~ U.S. Government Accountability Office (GAO) and the resulting audit report filed with the ~~secretary of administration~~ Secretary of Administration not later than November 1 each year. The ~~auditor of accounts~~ Auditor of Accounts or his or her designee shall be the ~~state's~~ State's nonvoting representative to an audit committee established by the ~~board~~ Board. Biennially, the ~~board~~ Board shall report to the ~~legislature~~ Legislature on its activities during the preceding biennium. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 30. 16 V.S.A. § 2905(h) is amended to read:

(h) The ~~council~~ Council shall report on its activities to the ~~house and senate committees on education~~ House and Senate Committees on Education and to the ~~state board of education~~ State Board of Education each year in January. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 31. 16 V.S.A. § 2967(a) is amended to read:

(a) On or before December 15, the ~~commissioner~~ Commissioner shall publish an estimate, by town school district, city school district, union school district, unified union school district, incorporated school district, and the member school districts of an interstate school district, of the amount of ~~state~~ State assistance necessary to fully fund sections 2961 through 2963 of this title in the ensuing school year. The provisions of 2 V.S.A. § 20(d) (expiration of

required reports) shall not apply to the report to be made under this subsection.

Sec. 32. 16 V.S.A. § 4010(i) is amended to read:

(i) The ~~commissioner~~ Commissioner shall evaluate the accuracy of the weights established in subsection (c) of this section and, at the beginning of each biennium, shall propose to the ~~house and senate committees on education~~ House and Senate Committees on Education whether the weights should stay the same or be adjusted. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 33. 18 V.S.A. § 709 is amended to read:

§ 709. ANNUAL REPORT

(a) The director of the Blueprint shall report annually, no later than January ~~15~~ 31, on the status of implementation of the Vermont Blueprint for Health for the prior calendar year and shall provide the report to the ~~house committee on health care~~ House Committee On Health Care, the ~~senate committee on health and welfare~~ Senate Committee on Health and Welfare, and the ~~health care oversight committee~~ Health Care Oversight Committee.

(b) The report required by subsection (a) of this section shall include the number of participating insurers, health care professionals, and patients; the progress made in achieving statewide participation in the chronic care management plan, including the measures established under this subchapter; the expenditures and savings for the period; the results of health care professional and patient satisfaction surveys; the progress made toward creation and implementation of privacy and security protocols; information on the progress made toward the requirements in this subchapter; and other information as requested by the committees. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under subsection (a) of this section.

Sec. 34. 18 V.S.A. § 9352(e) is amended to read:

(e) Report. No later than January 15 of each year, VITL shall file a report with the Secretary of Administration; the Commissioner of Information and Innovation; the Commissioner of Financial Regulation; the Commissioner of Vermont Health Access; the Secretary of Human Services; the Commissioner of Health; the Commissioner of Mental Health; the Commissioner of Disabilities, Aging, and Independent Living; the Senate Committee on Health and Welfare; and the House Committee on Health Care. The report shall include an assessment of progress in implementing health information technology in Vermont and recommendations for additional funding and legislation required. In addition, VITL shall publish minutes of VITL

meetings and any other relevant information on a public website. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 35. 18 V.S.A. § 9410(i) is amended to read:

(i) On or before January 15, 2008 and every three years thereafter, the Commissioner shall submit a recommendation to the General Assembly for conducting a survey of the health insurance status of Vermont residents. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 36. 21 V.S.A. § 1309 is amended to read:

§ 1309. REPORTS; SOLVENCY OF TRUST FUND

On or before January 31 of each year, the Commissioner shall submit to the Governor and the Chairs of the Senate Committee on Economic Development, Housing and General Affairs and on Finance and the House Committees on Commerce and Economic Development and on Ways and Means a report covering the administration and operation of this chapter during the preceding calendar year. The report shall include a balance sheet of the ~~moneys~~ monies in the Fund and data as to probable reserve requirements based upon accepted actuarial principles, with respect to business activity, and other relevant factors for the longest available period. The report shall also include recommendations for amendments of this chapter as the Board considers proper. Whenever the Commissioner believes that the solvency of the Fund is in danger, the Commissioner shall promptly inform the Governor and the Chairs of the Senate Committees on Economic Development, Housing and General Affairs and on Finance, and the House Committees on Commerce and Economic Development and on Ways and Means, and make recommendations for preserving an adequate level in the Trust Fund. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 37. 24 V.S.A. § 1354 is amended to read:

§ 1354. ACCOUNTS; ANNUAL REPORT

The supervisor or supervisors shall maintain an account showing in detail the revenue raised and the expenses necessarily incurred in the performance of the supervisor's duties. The supervisor or supervisors shall prepare an annual fiscal report by July 1 which shall conform to procedural and substantive requirements to be established by the ~~board of governors~~ Board of Governors and which, upon approval by the ~~board of governors~~ Board of Governors, shall be distributed to the residents of the gores. The provisions of 2 V.S.A. § 20(d)

(expiration of required reports) shall not apply to the report to be made under this section.

Sec. 38. 24 V.S.A. § 4498 is amended to read:

§ 4498. HOUSING BUDGET AND INVESTMENT REPORTS

The ~~commissioner of housing and community affairs~~ Commissioner of Housing and Community Affairs shall:

(1) Create a Vermont housing budget designed to assure efficient expenditure of ~~state~~ State funds appropriated for housing development, to encourage and enhance cooperation among housing organizations, to eliminate overlap and redundancy in housing development efforts, and to ensure appropriate geographic distribution of housing funds. The Vermont housing budget shall include any ~~state~~ State funds of \$50,000.00 or more awarded or appropriated for housing. The Vermont housing budget and appropriation recommendations shall be submitted to the General Assembly annually on or before January 15. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the recommendations to be made under this subdivision, and the report shall include the amounts and purposes of funds appropriated for or awarded to the following:

(A) The Vermont ~~housing and conservation trust fund~~ Housing and Conservation Trust Fund.

(B) The ~~agency of human services~~ Agency of Human Services.

(C) The ~~agency of commerce and community development~~ Agency of Commerce and Community Development.

(D) Any other entity that fits the funding criteria.

(2) Annually, develop a Vermont housing investment plan in consultation with the Vermont ~~housing council~~ Housing Council. The housing investment plan shall be consistent with the Vermont consolidated plan for housing, in order to coordinate the investment of ~~state~~ State, federal and other resources, such as ~~state~~ State appropriations, tax credits, rental assistance, and mortgage revenue bonds, to increase the availability and improve the quality of Vermont's housing stock. The housing investment plan shall be submitted to the ~~general assembly~~ General Assembly, annually on January 15. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the plan to be made under this subdivision, and the plan shall:

(A) target investments at single-family housing, mobile homes, multifamily housing, and housing for homeless persons and people with special needs;

(B) recommend approaches that maximize the use of available ~~state~~ State and federal resources;

(C) identify areas of the state that face the greatest housing shortages; and

(D) recommend strategies to improve coordination among ~~state~~ State, local, and regional offices in order to remedy identified housing shortages.

Sec. 39. 24 V.S.A. § 4594 is amended to read:

§ 4594. ANNUAL REPORT; AUDIT

On or before the last day of February in each year, the bank shall make a report of its activities for the preceding calendar year to the ~~governor~~ Governor and to the ~~legislature~~ General Assembly. Each report shall set forth a complete operating and financial statement covering its operations during the year. The bank shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof shall be considered an expense of the bank and a copy thereof shall be filed with the ~~state treasurer~~ State Treasurer. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 40. 24 V.S.A. § 4753a(a) is amended to read:

(a) Pollution control. The General Assembly shall approve all categories of awards made from the special funds established by section 4753 of this title for water pollution control facility construction, in order to assure that such awards conform with State policy on water quality and pollution abatement, and with the State policy that municipal entities shall receive first priority in the award of public monies for such construction, including monies returned to the revolving funds from previous awards. To facilitate this legislative oversight, the Secretary of Natural Resources shall annually no later than January 15 report to the House Committee on Corrections and Institutions, the Senate Committee on Institutions, and the House and Senate Committees on Resources and Energy on all awards made from the relevant special funds during the prior and current fiscal years, and shall report on and seek legislative approval of all the types of projects for which awards are proposed to be made from the relevant special funds during the current or any subsequent fiscal year. Where feasible, the specific projects shall be listed. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 41. 24 V.S.A. § 4753b(b) is amended to read:

(b) The Commissioner shall report receipt of a grant under this section to

the Chairs of the Senate Committee on Institutions and the House Committee on Corrections and Institutions and the Joint Fiscal Committee. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 42. 26 V.S.A. § 3105(d) is amended to read:

(d) Prior to review under this chapter and consideration by the ~~legislature~~ General Assembly of any bill to regulate a profession or occupation, the ~~office of professional regulation~~ Office of Professional Regulation shall make, in writing, a preliminary assessment of whether any particular request for regulation meets the criteria set forth in subsection (a) of this section. The ~~office~~ Office shall report its preliminary assessment to the appropriate ~~house or senate committee on government operations~~ House or Senate Committee on Government Operations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 43. 26 V.S.A. § 3106 is amended to read:

§ 3106. DIRECTOR OF THE OFFICE OF PROFESSIONAL REGULATION; ANNUAL REPORT

Annually, the ~~director of the office of professional regulation~~ Director of the Office of Professional Regulation shall prepare a concise report on the activities of all boards under his or her jurisdiction. Prior to the commencement of each legislative session, the ~~director~~ Director shall prepare a report for publication on the office's website containing his or her assessments, conclusions, and recommendations with proposals for legislation, if any, to the ~~speaker of the house~~ Speaker of the House and to the ~~chairpersons of the government operations committees of the house and senate~~ Chairpersons of the House and Senate Committees on Government Operations and the chairpersons of the boards. The office shall also provide written copies of the report to the ~~house and senate committees on government operations~~ House and Senate Committees on Government Operations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 44. 29 V.S.A. § 152(a)(25) is amended to read:

(25) Transfer any unexpended project balances from previous capital construction acts for the purpose of emergency projects not authorized in a capital construction act in an amount not to exceed \$100,000.00; provided the Commissioner shall send timely written notice of such expenditures to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this

subdivision.

Sec. 45. 29 V.S.A. § 531(c) is amended to read:

(c) Each ~~state~~ State land manager shall adopt a written statement of objectives, policies, procedures, and a program to guide the development of the ~~state's~~ State's oil and gas resources. Biennially, each ~~state~~ State land manager and the ~~board~~ Board shall prepare and submit to the ~~general assembly~~ General Assembly a proposed four-year oil and gas leasing and management program and a report on all leasing and management activities undertaken during the preceding two years. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. Managers may elect to collaborate on a joint program of planning, leasing, and reporting to fulfill the requirements of this section.

Sec. 46. [Deleted.]

Sec. 47. [Deleted.]

Sec. 48. 30 V.S.A. § 203a(c) is amended to read:

(c) Report. On or before January 15, 2010, and annually thereafter, the ~~Public Service~~ Department of Public Service shall report to the ~~Legislature~~ General Assembly on the expenditure of funds from the Fuel Efficiency Fund to meet the public's needs for energy efficiency services. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 49. 30 V.S.A. § 209(d)(3)(A) is amended to read:

(A) Balances in the Electric Efficiency Fund shall be ratepayer funds, shall be used to support the activities authorized in this subdivision, and shall be carried forward and remain in the Fund at the end of each fiscal year. These monies shall not be available to meet the general obligations of the State. Interest earned shall remain in the Fund. The Board will annually provide the General Assembly with a report detailing the revenues collected and the expenditures made for energy efficiency programs under this section. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 50. 30 V.S.A. § 255(e) is amended to read:

(e) Reports. By January 15 of each year, commencing in 2007, the Department of Public Service in consultation with the Agency of Natural Resources and the Public Service Board shall provide to the House and Senate Committees on Natural Resources and Energy, the Senate Committee on Finance, and the House Committee on Commerce a report detailing the implementation and operation of RGGI and the revenues collected and the

expenditures made under this section, together with recommended principles to be followed in the allocation of funds. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 51. 30 V.S.A. § 5038(a) is amended to read:

(a) On or before the last day of January in each year, the authority shall submit a report of its activities for the preceding calendar year to the ~~governor~~ Governor, the ~~public service board~~ Public Service Board, and the ~~general assembly~~ General Assembly. Each report shall set forth a complete operating and financial statement covering its operations during the year, and shall contain a full and complete statement of the authority's anticipated budget and operations for the ensuing year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. The authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants; the cost shall be considered an expense of the authority and copies shall be filed with the ~~state treasurer~~ State Treasurer and the ~~public service board~~ Public Service Board.

Sec. 52. 30 V.S.A. § 8105(b) is amended to read:

(b) Beginning March 1, 2010, and annually thereafter, the Commissioner of Public Service shall submit a report to the Senate Committees on Economic Development, Housing and General Affairs, on Finance, and on Natural Resources and Energy, the House Committees on Ways and Means, on Commerce and Economic Development, and on Natural Resources and Energy, and the Governor which shall include an update on progress made in the development of the Vermont village green renewable projects authorized under this chapter. The report also shall include an analysis of the costs and benefits of the projects as well as any recommendations consistent with the purposes of this chapter. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 53. 30 V.S.A. § 8015(e)(7)(A) is amended to read:

(A) By January 15 of each year, provide to the House and Senate Committees on Natural Resources and Energy, the Senate Committee on Finance, and the House Committee on Commerce and Economic Development a report for the fiscal year ending the preceding June 30 detailing the activities undertaken, the revenues collected, and the expenditures made under this subchapter. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 54. 32 V.S.A. § 5(a)(3) is amended to read:

(3) This section shall not apply to the acceptance of grants, gifts, donations, loans, or other things of value with a value of \$5,000.00 or less, or to the acceptance by the Department of Forests, Parks and Recreation of grants, gifts, donations, loans, or other things of value with a value of \$15,000.00 or less, provided that such acceptance will not incur additional expense to the State or create an ongoing requirement for funds, services, or facilities. The Secretary of Administration and Joint Fiscal Office shall be promptly notified of the source, value, and purpose of any items received under this subdivision. The Joint Fiscal Office shall report all such items to the Joint Fiscal Committee quarterly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 55. 32 V.S.A. § 166 is amended to read:

§ 166. PAYMENTS TO TOWNS; RETURNS BY COMMISSIONER OF FINANCE AND MANAGEMENT

On or before January 10 of each year, the Commissioner of Finance and Management shall transmit to the ~~Auditors~~ auditors of each town a statement showing the amount of money paid by the State to the town and the purpose for which paid during the year ending December 31 preceding the date of such statement, the date of such payments and purpose for which made, unless the Commissioner of Finance and Management is requested to send such statement at some other date to conform to the fiscal year of such municipality. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 56. 32 V.S.A. § 306 is amended to read:

§ 306. BUDGET REPORT

(a) The Governor shall submit to the General Assembly, not later than the third Tuesday of every annual session, a budget which shall embody his or her estimates, requests, and recommendations for appropriations or other authorizations for expenditures from the State Treasury. In the first year of the biennium, the budget shall relate to the two succeeding fiscal years. In the second year of the biennium, it shall relate to the succeeding fiscal year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

(b) The Governor shall also submit to the General Assembly, not later than the third Tuesday of each session of every biennium, a tax expenditure budget which shall embody his or her estimates, requests, and recommendations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. The tax expenditure budget

shall be divided into three parts and made as follows:

(1) A budget covering tax expenditures related to nonprofits and charitable organizations and covering miscellaneous expenditures shall be made by the third Tuesday of the legislative session beginning in January 2012 and every three years thereafter.

(2) A budget covering tax expenditures related to economic development, including business, investment, and energy, shall be made by the third Tuesday of the legislative session beginning in January 2013 and every three years thereafter.

(3) A budget covering tax expenditures made in furtherance of Vermont's human services, including tax expenditures affecting veterans, shall be made by the third Tuesday of the legislative session beginning in January 2014 and every three years thereafter.

(c) The tax expenditure budget shall be provided to the House Committee on Ways and Means and the Senate Committee on Finance, which committees shall review the tax expenditure budget and shall report their recommendations in bill form.

Sec. 57. 32 V.S.A. § 309(e) is added to read:

(e) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to any report to be made under this section.

Sec. 58. 32 V.S.A. § 311(b) is amended to read:

(b) At the request of the House or Senate Committee on Government Operations or on Appropriations, the State Treasurer, and the Commissioner of Finance and Management shall present to the requesting committees the recommendations submitted under 3 V.S.A. § 471(n) and 16 V.S.A. § 1942(r). The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 59. 32 V.S.A. § 312(b) is amended to read:

(b) Tax expenditure reports. Biennially, as part of the budget process, beginning January 15, 2009, the Department of Taxes and the Joint Fiscal Office shall file with the House Committees on Ways and Means and Appropriations and the Senate Committees on Finance and Appropriations a report on tax expenditures in the personal and corporate income taxes, sales and use tax, and meals and rooms tax, insurance premium tax, bank franchise tax, education property tax, diesel fuel tax, gasoline tax, motor vehicle purchase and use tax, and such other tax expenditures for which the Joint Fiscal Office and the Department of Taxes jointly have produced revenue estimates. The Office of Legislative Council shall also be available to assist

with this tax expenditure report. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. The report shall include, for each tax expenditure, the following information:

- (1) ~~A~~ a description of the tax expenditure;
- (2) ~~The~~ the most recent fiscal information available on the direct cost of the tax expenditure in the past two years;
- (3) ~~The~~ the date of enactment of the expenditure; and
- (4) ~~A~~ a description of and estimate of the number of taxpayers directly benefiting from the expenditure provision.

Sec. 60. 32 V.S.A. § 511 is amended to read:

§ 511. EXCESS RECEIPTS

If any receipts including federal receipts exceed the appropriated amounts, the receipts may be allocated and expended on the approval of the Commissioner of Finance and Management. If, however, the expenditure of those receipts will establish or increase the scope of the program, which establishment or increase will at any time commit the State to the expenditure of State funds, they may only be expended upon the approval of the ~~legislature~~ General Assembly. Excess federal receipts, whenever possible, shall be utilized to reduce the expenditure of State funds. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee quarterly with a cumulative list and explanation of the allocation and expenditure of such excess receipts. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 61. 32 V.S.A. § 605(a) is amended to read:

(a) The Governor shall, no later than the third Tuesday of every annual legislative session, submit a consolidated Executive Branch fee report and request to the General Assembly, which shall accompany the Governor's annual budget report and request submitted to the General Assembly as required by section 306 of this title, except that the first fee report shall be submitted by October 1, 1996 to the House and Senate Committee on Ways and Means, the House and Senate Committee on Finance, and the House and Senate Committee on Government Operations. The first fee request shall be submitted during the 1997 session as provided herein ~~above~~. The content of each annual report and request for fees concerning State agency public records maintained pursuant to 1 V.S.A. chapter 5, subchapter 3 shall be prepared by the Secretary of State, who shall base all recommended fee amounts on "actual cost." The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall

not apply to the report to be made under this section.

Sec. 62. 32 V.S.A. § 605a(a) is amended to read:

(a) The ~~Justices~~ justices of the Supreme Court or the Court Administrator if one is appointed pursuant to 4 V.S.A. § 21, in consultation with the ~~Justices~~ justices of the Supreme Court, shall submit a consolidated Judicial Branch fee report and request no later than the third Tuesday of the legislative session of 2011 and every three years thereafter. The report shall be submitted to the House Committee on Ways and Means, the Senate Committee on Finance, and the House and Senate Committees on Government Operations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 63. 32 V.S.A. § 704 is amended to read:

§ 704. INTERIM BUDGET AND APPROPRIATION ADJUSTMENTS

(a) The General Assembly recognizes that acts of appropriations and their sources of funding reflect the priorities for expenditures of public funds enacted by the Legislature, and that major reductions or adjustments, when required by reduced State revenues or other reasons, ought to be made whenever possible by an act of the Legislature reflecting its revisions of those priorities. Nevertheless, if the General Assembly is not in session, authorized appropriations and their sources of funding may be adjusted and funds may be transferred pursuant to the provisions of this section.

(b)(1) If the official State revenue estimates of the Emergency Board for the General Fund, the Transportation Fund, or federal funds, determined under section 305a of this title have been reduced by one percent or more from the estimates determined and assumed for purposes of the general appropriations act or budget adjustment act, and if the General Assembly is not in session, in order to adjust appropriations and their sources of funding under this subdivision, the Secretary shall prepare a plan for approval by the Joint Fiscal Committee, and authorized appropriations and their sources of funding may be adjusted and funds transferred pursuant to a plan approved under this section.

(2) If the Secretary of Administration determines that the current fiscal year revenues for the General Fund, Transportation Fund, or federal funds are likely to be reduced from the official revenue estimates by less than one percent, the Secretary may prepare and implement an expenditure reduction plan, and implement appropriations reductions in accordance with the plan. The Secretary may implement a plan under this subdivision without the approval of the Joint Fiscal Committee if reductions to any individual appropriation do not exceed five percent of the appropriation's amount for personal services, operating expenses, grants, and other categories, and

provided that the plan is designed to minimize any negative effects on the delivery of services to the public, and shall not have any unduly disproportionate effect on any single function, program, service, benefit, or county. Plans not requiring the approval of the Joint Fiscal Committee shall be filed with the Joint Fiscal Office prior to implementation. If the Secretary's plan consists of disproportionate reductions greater than five percent in any line item, such plan shall not be implemented without the approval of the Joint Fiscal Committee.

(c) A plan prepared by the Secretary shall indicate the amounts to be adjusted in each appropriation, and in personal services, operating expenses, grants, and other categories, shall indicate the effect of each adjustment in appropriations and their sources of funding, and each fund transfer, on the primary purposes of the program, and shall indicate how it is designed to minimize any negative effects on the delivery of services to the public, and any unduly disproportionate effect the plan may have on any single function, program, service, benefit, or county.

(d) An expenditure reduction plan under subdivision (b)(2) of this section shall not include any reduction in:

(1) appropriations authorized and necessary to fulfill the State's debt obligations;

(2) appropriations authorized for the Judicial or Legislative ~~Branches~~ Branch, except that the plan may recommend reductions for consideration by the Judicial or Legislative ~~Branches~~ Branch; or

(3) appropriations for the salaries of elected officers of the Executive Branch listed in subsection 1003(a) of this title.

(e)(1) The Joint Fiscal Committee shall have 21 days from the date of submission of a plan under subdivision (b)(1) of this section to consider the plan, and may approve or disapprove the plan upon a vote of a majority of the members of the Committee. If the Committee vote results in a tie, the plan shall be deemed disapproved; and if the Committee fails for any other reason to take final action on such plan within 21 days of its submission to the Committee, it shall be deemed to be disapproved. During the 21-day period for consideration of the plan, the Committee shall conduct a public hearing and provide an opportunity for public comment on the plan.

(2) If the plan is disapproved, then in order to communicate the priorities of the General Assembly, the Committee shall make recommendations to the Secretary for amendments to the plan. Within seven days after the Committee notifies the Secretary of its disapproval of a plan, the Secretary may submit a final plan to the Committee. The ~~committee~~

Committee shall have 14 days from the date of submission of a final plan to consider that plan and to vote by a majority of the members of the Committee to approve or disapprove the plan; but if the Committee fails to approve or disapprove the plan by a majority vote, the plan shall be deemed disapproved. If the Secretary's final plan includes any changes from the original plan other than those recommended by the Committee, then during the 14-day period for consideration of the final plan, the Committee shall conduct a public hearing and provide an opportunity for public comment, with the scope of the hearing and the comments limited to the changes from the original plan.

(3) In determining whether to approve a plan submitted by the Secretary under this subsection, the Committee shall consider whether the plan minimizes any negative effects on the delivery of services to the public, and whether the plan will have any unduly disproportionate effect on any single function, program, service, benefit, or county.

(4) Any plan disapproved under this section shall not be implemented.

(5) For purposes of this section, the Committee shall be convened at the call of the Chair or at the request of at least three members of the Committee.

(f) In the event of a reduction in the official revenue estimate of one percent or more, the Secretary may implement an expenditure reduction plan in the manner provided for in subdivision (b)(2) of this section, provided that the reduction in appropriations is not greater than one percent of the prior official revenue estimate.

(g) No plan may be approved or implemented under this section which:

(1) would reduce appropriations from any fund by more than the cumulative reductions in the official State revenue estimates of the Emergency Board for the General Fund, the Transportation Fund, or federal funds, determined under section 305a of this title, from the estimate originally determined and assumed for purposes of the general appropriations act or budget adjustment act; minus the total reductions in appropriations already taken under this section in that fund in the fiscal year; or

(2) would result in total reductions under this section in appropriations in the fiscal year from any fund by more than four percent of the estimate originally determined and assumed for purposes of the general appropriations act or budget adjustment act; or

(3) would adjust revenues or expenditures of the Education Fund as prescribed by law.

(h) The provisions of this section shall apply to each official State revenue estimate of the Emergency Board in the fiscal year and when the General

Assembly is not in session.

(i) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the plan to be made under this section.

Sec. 64. 32 V.S.A. § 705(c) is amended to read:

(c) The authority conferred by this section is granted solely for the ministerial purpose of managing the State's financial accounts. Nothing contained in this section shall authorize any decrease in any such appropriation. If allotments have been made, the Secretary shall report to the Joint Fiscal Committee on or before the 15th day of each quarter, identifying and describing the allotments made pursuant to the authority granted by this section during the preceding quarter. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 65. 32 V.S.A. § 1001(c) is amended to read:

(c) Committee estimate of a prudent amount of net State tax-supported debt; affordability considerations. On or before September 30 of each year, the Committee shall submit to the Governor and the General Assembly the Committee's estimate of net State tax-supported debt which prudently may be authorized for the next fiscal year, together with a report explaining the basis for the estimate. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. In developing its annual estimate, and in preparing its annual report, the Committee shall consider:

* * *

Sec. 66. 32 V.S.A. § 1001a is amended to read:

§ 1001a. REPORTS

The Capital Debt Affordability Advisory Committee shall prepare and submit consistent with 2 V.S.A. § 20(a) a report on:

(1) ~~general~~ General obligation debt, pursuant to subsection 1001(c) of this title; ~~and~~.

(2) ~~how~~ How many, if any, Transportation Infrastructure Bonds have been issued and under what conditions. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 67. 32 V.S.A. § 3101(b) is amended to read:

(b) The Commissioner shall:

(1) report biennially to the General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision;

* * *

(11) from time to time prepare and publish statistics reasonably available with respect to the operation of this title, including amounts collected, classification of taxpayers, tax liabilities, and such other facts as the Commissioner or the General Assembly considers pertinent. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision;

(12) [Repealed.]

(13) from time to time provide municipalities with recommended methods for determining, for municipal tax purposes, the fair market value of renewable energy plants that are subject to taxation under section 8701 of this title.

Sec. 68. 32 V.S.A. § 3412 is amended to read:

§ 3412. ANNUAL REPORT

Before January 15 of each year, the Director shall deliver to the Speaker of the House of Representatives and to the President Pro Tempore of the Senate copies of an annual report including in that report all rules issued in the preceding year. The report shall include the rate per dollar and the amount of all taxes assessed in each and all of the towns, gores, school and fire districts and villages for and during the year ending with June 30, preceding, and the value of all exempt property on each grand list as required by subsection 4152(a) of this title. The report shall also include an analysis of the appraisal practices and methods employed through the State. The Director shall include recommendations for statutory changes as he or she feels necessary. Copies of the annual report shall be forwarded to the Chair of the Selectboard of each town. The presiding officer shall refer the report to the appropriate committees of the General Assembly for their review and recommendation. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 69. [Deleted.]

Sec. 70. 33 V.S.A. § 2032(e) is amended to read:

(e) The Department shall conduct comprehensive evaluations of the Board's success in improving clinical and utilization outcomes using claims data and a survey of health care professional satisfaction. The Department shall report annually by January 15 to the House Committee on Health Care

and the Senate Committee on Health and Welfare regarding the results of the most recent evaluation or evaluations and a summary of the Board's activities and recommendations since the last report. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 71. 33 V.S.A. § 4603(16) is amended to read:

(16) Report to the Governor and the legislative committees of jurisdiction during the first month of each legislative biennium on the Council's findings and recommendations, progress toward outcomes consistent with No. 68 of the Acts of the 2009 Adj. Sess. (2010), and recommendations for priorities for the biennium. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 72. 2005 Acts and Resolves No. 71, Sec. 142a(a) as amended by 2006 Acts and Resolves No. 93, Sec. 47 is amended to read:

(a) It is the intent of the ~~legislature~~ General Assembly that should the projected need for out-of-state beds be reduced from the amount budgeted at any time during any fiscal year and this need is expected to remain at or below this new level for at least 12 months, the resources within the correctional services budget that would have been used for out-of-state bed capacity be reallocated first to community supervision to create and fill at least five community supervision positions, including caseworkers and community corrections officers for each ~~50-bed~~ 50-bed reduction in long-term projected out-of-state bed need. Projections of out-of-state bed need for at least the subsequent 12 months shall be made by the ~~department of corrections~~ Department of Corrections for presentation at each meeting to the ~~legislative joint corrections oversight committee~~ Legislative Joint Corrections Oversight Committee. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 73. [Deleted.]

Sec. 74. [Deleted.]

Sec. 75. 2009 Acts and Resolves No. 38, Sec. 3(5) is amended to read:

(5) Report to the ~~senate and house committees on education~~ Senate and House Committees on Education on or before January 15, 2011 regarding implementation of this section and in January of each subsequent year until implementation is complete. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 76. 2009 Acts and Resolves No. 43, Sec. 49 is amended to read:

Sec. 49. CLOSING OF CORRECTIONAL FACILITIES; APPROVAL

The ~~secretary of administration~~ Secretary of Administration shall not plan to close or significantly reduce operations at any correctional facility unless approval to proceed with such closing or reduction plans is granted by both the ~~joint committee on corrections oversight~~ Joint Committee on Corrections Oversight and the ~~joint fiscal committee~~ Joint Fiscal Committee. Any plan submitted to the committees shall include an analysis of the regional impact, including how the increased transportation costs will be funded. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 77. 2009 Acts and Resolves No. 44, Sec. 44(b) is amended to read:

(b) On or before January 15 of each year through January 2020, the ~~commissioner~~ Commissioner shall report to the ~~senate and house committees on education~~ Senate and House Committees on Education regarding the ~~state's~~ State's progress in achieving the goal of a 100 percent secondary school completion rate. At the time of the report, the ~~commissioner~~ Commissioner shall also recommend other initiatives, if any, to improve both graduation rates and secondary school success for all Vermont students. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 78. 2009 Acts and Resolves No. 58, Sec. 25(b) is amended to read:

(b) The committee shall include recommendations on the issues described in subsection (a) of this section in its annual report to the ~~general assembly~~ General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 79. 2010 Acts and Resolves No. 154, Sec. 235b is amended to read:

Sec. 235b. WEIGHTED CASELOAD STUDY

The ~~court administrator~~ Court Administrator shall conduct a weighted caseload study and analysis or equivalent study within the ~~superior court and judicial bureau~~ Superior Court and Judicial Bureau every three years. The results of the study shall be reported to the ~~senate and house committees on judiciary and government operations~~ Senate and House Committees on Judiciary and on Government Operations. The study may be used to review and consider adjustments to the compensation of ~~probate~~ Probate judges. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

* * * Report Requirements Repealed * * *

Sec. 80. 1 V.S.A. § 853(d)(7) is amended to read:

~~(7) The commission shall provide a detailed written report of its findings and conclusions to the applicant and the legislative committees along with a recommendation that the general assembly recognize or deny recognition to the applicant as a Native American Indian tribe. [Repealed.]~~

Sec. 81. 2 V.S.A. § 951(d) is amended to read:

~~(d) The Vermont directors of the association shall report to the general assembly on or before January 1 of each year with a summary of the activities of the association, and any findings and recommendations for making prescription drugs more affordable and accessible to Vermonters. [Repealed.]~~

Sec. 82. 3 V.S.A. § 2807(d) is amended to read:

~~(d) Report. Every year, by January 15, the commissioner shall report to the house and senate committees on natural resources and energy on the sources of the fund, and on fund balances and expenditures from the fund. [Repealed.]~~

Sec. 83. 6 V.S.A. § 981 is amended to read:

§ 981. ADOPTION OF COMPACT

* * *

ARTICLE IV

The Insurance Fund, Internal Operations and Management

* * *

(g) The insurance fund may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, or corporation, and may receive, utilize, and dispose of the same. ~~Any donation, gift, or grant accepted by the governing board pursuant to this subsection or services borrowed pursuant to subsection (h) of this article shall be reported in the annual report of the insurance fund. Such report shall include the nature, amount, and conditions, if any, of the donation, gift, grant, or services borrowed and the identity of the donor or lender.~~

(h) The governing board shall adopt bylaws for the conduct of the business of the insurance fund and shall have the power to amend and to rescind these bylaws. The insurance fund shall publish its bylaws in a convenient form and shall file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the party states.

~~(i) The insurance fund annually shall make to the governor and legislature~~

~~of each party state a report covering its activities for the preceding year. The insurance fund may make such additional reports to the governor and legislature of party states as it may deem desirable.~~

* * *

Sec. 84. 9A V.S.A. § 9-527 is amended to read:

§ 9-527. ~~DUTY TO REPORT~~

~~The secretary of state shall report biannually to the legislature on the operation of the filing office. The report must contain a statement of the extent to which:~~

~~(1) the filing office rules are not in harmony with the rules of filing offices in other jurisdictions that enact substantially this part and the reasons for these variations; and~~

~~(2) the filing office rules are not in harmony with the most recent version of the model rules promulgated by the International Association of Corporate Administrators, or any successor organization, and the reasons for these variations. [Repealed.]~~

Sec. 85. [Deleted.]

Sec. 86. 10 V.S.A. § 707 is amended to read:

§ 707. ~~EXPENDITURES; STATEMENT BY COUNCIL~~

~~The council, on or before September 1 in each even numbered year shall file with the commissioner of budget and management, upon forms prepared and furnished by the commissioner of budget and management, statements showing in detail the amount appropriated and expended for the current biennial fiscal periods and the amount estimated for such activity to be necessary for the ensuing biennial fiscal periods. [Repealed.]~~

Sec. 87. 10 V.S.A. § 1264(f)(3) is amended to read:

(3) By January 15, 2010, the Secretary shall issue a watershed improvement permit, issue a general or individual permit implementing a TMDL approved by the EPA, or issue a general or individual permit implementing a water quality remediation plan for each of the stormwater-impaired waters on the Vermont Year 2004 Section 303(d) List of Waters required by 33 U.S.C. 1313(d). In developing a TMDL or a water quality remediation plan for a stormwater-impaired water, the Secretary shall consult “A Scientifically Based Assessment and Adaptive Management Approach to Stormwater Management” and “Areas of Agreement about the Scientific Underpinnings of the Water Resources Board’s Original Seven Questions” set out in appendices A and B, respectively, of the final report of

the Water Resources Board's "Investigation Into Developing Cleanup Plans For Stormwater Impaired Waters, Docket No. Inv-03-01," issued March 9, 2004. ~~Beginning January 30, 2005 and until a watershed improvement permit, a general or individual permit implementing a TMDL, or a general or individual permit implementing a water quality remediation plan is set for each of the stormwater impaired waters on the Vermont Year 2004 Section 303(d) List of Waters required by 33 U.S.C. § 1313(d), the Secretary shall report annually to the General Assembly on Agency progress in establishing the watershed improvement permits, TMDLs, and water quality remediation plans for the stormwater impaired waters of the State; on the accuracy of assessment and environmental efficacy of any stormwater impact fee paid to the State Stormwater Impaired Waters Restoration Fund; and on the efforts by the Secretary to educate and inform owners of real estate in watersheds of stormwater impaired waters regarding the requirements of the state stormwater law.~~

Sec. 88. 10 V.S.A. § 1283(e) is amended to read:

~~(e) The secretary shall report annually to the general assembly on the condition of the fund. The report shall include a listing of any incident leading to disbursements, the amount disbursed, and the method and amount of reimbursement. [Repealed.]~~

Sec. 89. 10 V.S.A. § 1455(1)(2) is amended to read:

~~(2) On an annual basis, the secretary of agriculture, food and markets shall notify the secretary of the location of all authorized mosquito control applications to the waters of the state that took place during the reporting year and the type and quantity of larvicide and pupacide used at each location. [Repealed.]~~

Sec. 90. [Deleted.]

Sec. 91. [Deleted.]

Sec. 92. 18 V.S.A. § 1755(b) is amended to read:

(b) Annually, the ~~commissioner~~ Commissioner shall determine the percentage of children six years of age or younger who are being screened in accordance with the guidelines ~~and shall, unless a final report is available, provide interim information on screening to the legislature annually on April 15.~~ If fewer than 85 percent of one-year-olds and fewer than 75 percent of two-year-olds as specified in the guidelines are receiving screening, the ~~secretary~~ Secretary shall adopt rules to require that all health care providers who provide primary medical care to young children shall ensure that their patients are screened and tested according to the guidelines, beginning

January 1, 2011.

Sec. 93. 20 V.S.A. § 1946 is amended to read:

§ 1946. ~~REPORT FROM COMMISSIONER~~

~~The commissioner of public safety shall report annually no later than January 15 to the senate and house committees on judiciary regarding the administration of the DNA data bank, any backlogs in processing samples, and staffing and funding issues related to any backlog. [Repealed.]~~

Sec. 94. 24 V.S.A. § 4760(b) is amended to read:

~~(b) Annually, the secretary and the bond bank shall notify the chairpersons of the house committee on appropriations and the senate committee on appropriations of the amount of each of the separate funds created under section 4753 of this title anticipated to be available for the next fiscal year. [Repealed.]~~

Sec. 95. 24 V.S.A. § 4774(b) is amended to read:

~~(b) Annually by January 15, the secretary and VEDA shall submit a report to members of the joint fiscal committee setting out the balance of the fund created by subdivision 4753(a)(3) of this title, loan awards made to date, funds anticipated to be made available in the coming year and any other matters of interest. [Repealed.]~~

Sec. 96. 29 V.S.A. § 903(e)(3) is amended to read:

~~(3) The Secretary of Administration will report to the General Assembly, on February 1 each year, equipment purchased through this Fund, plans for equipment purchased through the Fund for the following fiscal year, the status of the Fund, and a consolidated amortization schedule. [Repealed.]~~

Sec. 97. 32 V.S.A. § 308b is amended to read:

§ 308b. HUMAN SERVICES CASELOAD RESERVE

(a) There is created within the General Fund a Human Services Caseload Management Reserve. Expenditures from the Reserve shall be subject to an appropriation by the General Assembly or approval by the Emergency Board. Expenditures from the Reserve shall be limited to Agency of Human Services caseload-related needs primarily in the Departments for Children and Families; of Health; of Mental Health; of Disabilities, Aging, and Independent Living; and of Vermont Health Access.

(b) The Secretary of Administration may transfer to the Human Services Caseload Reserve any General Fund carry-forward directly attributable to Aid to Needy Families with Children (ANFC) caseload reductions and the effective

management of related federal receipts. ~~A report on the transfer of any such carry forward to the Reserve shall be made to the Joint Fiscal Committee at its first meeting following September 1 of each year.~~

(c) [Repealed.]

Sec. 98. 33 V.S.A. § 1901(e) is amended to read:

~~(e)(1) The Department for Children and Families and the Department of Vermont Health Access shall monitor and evaluate and report quarterly beginning July 1, 2006 on the disenrollment in each of the Medicaid or Medicaid waiver programs subject to premiums, including:~~

~~(A) The number of beneficiaries receiving termination notices for failure to pay premiums;~~

~~(B) The number of beneficiaries terminated from coverage as a result of failure to pay premiums as of the second business day of the month following the termination notice. The number of beneficiaries terminated from coverage for nonpayment of premiums shall be reported by program and income level within each program; and~~

~~(C) The number of beneficiaries terminated from coverage as a result of failure to pay premiums whose coverage is not restored three months after the termination notice.~~

~~(2) The Department for Children and Families and the Department of Vermont Health Access shall submit reports at the end of each quarter required by subdivision (1) of this subsection to the House and Senate Committees on Appropriations, the Senate Committee on health and welfare, the house Committee on Human Services, the Health Care Oversight Committee, and the Medicaid Advisory Board. [Repealed.]~~

Sec. 98a. 33 V.S.A. § 1998(c)(6) is amended to read:

~~(6) The Commissioners and the Secretary shall report quarterly to the Health Care Oversight Committee and the Joint Fiscal Committee on their progress in securing Vermont's participation in such joint purchasing agreements. [Repealed.]~~

Sec. 99. 33 V.S.A. § 2003(i) is amended to read:

~~(i) Annually, the Department of Vermont Health Access shall report the enrollment and financial status of the pharmacy discount plans to the Health Care Oversight Committee by September 1, and to the General Assembly by January 1. [Repealed.]~~

Sec. 100. 33 V.S.A. § 3308 is amended to read:

§ 3308. ANNUAL REPORT

~~Annually, prior to January 15, the council shall submit a report of its activities for the preceding fiscal year to the governor and to the general assembly. The report shall contain an evaluation of the effectiveness of the programs and services financed or to be financed by the children's trust fund, and shall include an assessment of the impact of such programs and services on children and families. [Repealed.]~~

Sec. 101. 33 V.S.A. § 3703 is amended to read:

§ 3703. REPORT

~~Annually on or before January 15 of each year, the secretary of the agency of human services shall report to the general assembly on the status of parent-child center programs. The report shall include information concerning the following areas:~~

- ~~(1) actual disbursements;~~
- ~~(2) number of facilities and programs provided;~~
- ~~(3) number of families served;~~
- ~~(4) the impact of the monies relative to the continued success of each program;~~
- ~~(5) identification of other funding sources. [Repealed.]~~

Sec. 102. 33 V.S.A. § 4904(d) is amended to read:

~~(d) The Commissioner shall establish a method for measuring, evaluating, and reporting the outcomes of transitional services provided under this section to the House Committee on Human Services and the Senate Committee on Health and Welfare annually on January 15. [Repealed.]~~

Sec. 103. 33 V.S.A. § 6508 is amended to read:

§ 6508. REPORT REQUIRED

~~On or before January 15 of each year up to and including 1992, the Department of Disabilities, Aging, and Independent Living shall evaluate the effect of this chapter and report its findings to the chairpersons of the Senate and House Committees on Health and Welfare. At a minimum, the report shall address the following: inquiries or complaints received by the Department of Disabilities, Aging, and Independent Living concerning physician balance billing practices, changes in actual billing of Medicare beneficiaries for physician services, issues relating to access to physician services for beneficiaries, and any other information necessary to enable the committees to assess the effect of this chapter on physicians and beneficiaries. In compiling~~

~~its report, the Department of Disabilities, Aging, and Independent Living shall consult with the Secretary of State, the carrier for Medicare physician services for Vermont, and the professional societies of professions affected by this chapter. [Repealed.]~~

Sec. 103a. 2003 Acts and Resolves No. 66, Sec. 217d(b) is amended to read:

~~(b) On or before January 15, 2004 and by January 15 each year thereafter, the commissioner of fish and wildlife shall report to the general assembly on: the development of management plans for wildlife management areas; the status of implementation of wildlife habitat enhancement and maintenance projects on fish and wildlife lands; the schedule for maintenance and habitat treatments on wildlife management areas; and the status of protected areas and ecologically sensitive areas on wildlife management areas. [Repealed.]~~

Sec. 104. 2005 Acts and Resolves No. 56, Sec. 1(g), as amended by 2007 Acts and Resolves No. 65, Sec. 112a is amended to read:

(g)(1) Any savings realized due to the implementation of the long-term care Medicaid 1115 waiver shall be retained by the department and reinvested into providing home- and community-based services under the waiver. If at any time the agency reappplies for a Medicaid waiver to provide these services, it shall include a provision in the waiver that any savings shall be reinvested.

~~(2) In its annual budget presentation, the department of disabilities, aging, and independent living shall include the amount of savings generated from individuals receiving home and community based care services instead of services in a nursing home through the Choices for Care waiver and a plan with details on the recommended use of the appropriation. The plan shall include the base appropriation; the method for determining savings; how the savings will be reinvested in home and community based services, including the allocation between increases in caseloads and increases in provider reimbursements; and a breakdown of how many individuals are receiving services by type of service. [Repealed.]~~

Sec. 104a. 2009 Acts and Resolves No. 43, Sec. 31(f)(3) is amended to read:

~~(3) Outside the legislative session, the department of mental health shall provide quarterly updates to the joint fiscal committee and the mental health oversight committee on the progress toward completing the facility and developing the residential recovery program. [Repealed.]~~

and by renumbering the remaining sections to be numerically correct.

(For text see House Journal March 20, 2014)

S. 239

An act relating to the regulation of toxic substances

The Senate concurs in the House proposal of amendment thereto as follows:

First: In Sec. 2, in 18 V.S.A. § 1772, in subdivision (7)(A), after “children in the State of Vermont,” and before “including” by inserting or any consumer product whose substantial use or handling by children under 12 years of age is reasonably foreseeable,

and by striking out subdivisions (7)(B)(ii) and (iii) in their entirety

and by renumbering the remaining subdivisions to be numerically correct.

Second: In Sec. 2, in 18 V.S.A. § 1772, in subdivision (8)(G), by striking out “or” where it appears

and by adding new subdivisions (8)(H) and (8)(I) to read as follows:

(H) consumer electronic products, including personal computers, audio and video equipment, calculators, wireless telephones, game consoles, and hand-held devices incorporating a video screen used to access interactive software intended for leisure and entertainment and their associated peripherals;

(I) interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact discs; or

and by relettering the remaining subdivision in subdivision (8) to be alphabetically correct.

Third: In Sec. 2, in 18 V.S.A. § 1772, by striking out subdivision (11) in its entirety and by renumbering the remaining subdivisions to be numerically correct.

Fourth: In Sec. 2, in 18 V.S.A. § 1774, in subdivision (b)(1)(F), by striking out “two representatives” where it appears and inserting in lieu thereof one representative

and in subdivision (d)(1), after “shall recommend” and before “chemicals of high concern” by inserting at least two

and by adding subsection (g) to read as follows:

(g) Right of appeal. Individual members of the Working Group and the Working Group as a whole shall have the right to appeal to the Board of Health an act or omission by the Commissioner in the implementation or administration of the requirements of this chapter.

Fifth: In Sec. 2, in 18 V.S.A. § 1775, in subsection (a), after “on July, 1,”

and before “, and biennially thereafter” by striking out “2015” and inserting in lieu thereof 2016

and in subdivision (a)(1), by striking out “intentionally added to” where it appears and inserting in lieu thereof present in

and by striking out subsection (g) in its entirety and by relettering the remaining subsections to be alphabetically correct.

Sixth: In Sec. 2, in 18 V.S.A. § 1776, in subdivision (d)(1), after “The Commissioner” and before “may adopt a rule” by striking out “, upon the recommendation of the Chemicals of High Concern to Children Working Group,”

and in subdivision (d)(2), after “credible information regarding” and before the colon, by inserting one or more of the following

and in subdivision (d)(2)(C), after the semicolon, by inserting or

and in subdivision (f)(1), by striking out the second sentence in its entirety and inserting in lieu thereof the following:

The rule shall provide:

(A) all relevant criteria for evaluation of the chemical;

(B) criteria by which a chemical, due to its presence in the environment or risk of harm, shall be prioritized for addition or removal from the list of chemicals of high concern to children or for regulation under subsection (d) of this section;

(C) time frames for labeling or phasing out sale or distribution; and

(D) other information or process determined as necessary by the Commissioner for implementation of this chapter.

Seventh: In Sec. 2, in 18 V.S.A. § 1778, by adding a sentence at the end of the section to read as follows:

The Commissioner may publish information submitted or acquired under this chapter that is designated a trade secret, confidential business information, or otherwise confidential by law in a summary or aggregate form, provided that any published information shall not directly or indirectly identify an individual manufacturer or a business advantage of an individual manufacturer.

Eighth: By striking out Secs. 4 (liquid nicotine packaging) and 5 (Effective Dates) in their entirety and by inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

(For House Proposal of Amendment see House Journal April 30, 2014
Page 1583)

NOTICE CALENDAR
Favorable with Amendment

S. 263

An act relating to the authority of assistant judges in child support contempt proceedings

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

Sec. 1. 4 V.S.A. § 36 is amended to read:

§ 36. COMPOSITION OF THE COURT

(a) Unless otherwise specified by law, when in session, a ~~superior court~~ Superior Court shall consist of:

(1) For cases in the ~~civil~~ Civil or ~~family division~~ Family Division, one presiding ~~superior~~ Superior judge and two assistant judges, if available.

(2)(A) For cases in the ~~family division~~ Family Division, except as provided in subdivision (B) of this subdivision (2), one presiding ~~superior judge~~ judicial officer and two assistant judges, if available.

(B) The ~~family court~~ Family Division shall consist of one presiding ~~superior judge~~ judicial officer sitting alone in the following proceedings:

(i) ~~All~~ all juvenile proceedings filed pursuant to 33 V.S.A. chapters 51, 52, and 53 ~~of Title 33~~, including proceedings involving “youthful offenders” pursuant to 33 V.S.A. § 5281, whether the matter originated in the ~~criminal or family division of the superior court~~ Criminal or Family Division of the Superior Court;

(ii) ~~All~~ all guardianship services proceeding for persons proceedings filed pursuant to 18 V.S.A. chapter 215 ~~of Title 18~~;

(iii) ~~All~~ all mental health proceedings filed pursuant to 18 V.S.A. chapters 179, 181, and 185 ~~of Title 18~~;

(iv) ~~All~~ all involuntary sterilization proceedings filed pursuant to 18 V.S.A. chapter 204 ~~of Title 18~~;

(v) ~~All~~ all care for persons with developmental disabilities proceedings filed pursuant to 18 V.S.A. chapter 206 ~~of Title 18~~; and

(vi) ~~All~~ all proceedings specifically within the jurisdiction of the office of magistrate except child support contempt proceedings held pursuant to a magistrate's jurisdiction under subdivision 461(a)(1) of this title;

(C) Use of the term "judicial officer" in subdivisions (A) and (B) of this subsection shall not be construed to expand a judicial officer's subject matter jurisdiction or conflict with the authority of the Chief Justice or Administrative Judge to make special assignments pursuant to section 22 of this title.

* * *

Sec. 2. 3 V.S.A. § 221 is added to read:

§ 221. HEARING OFFICERS; RULES

(a) The Secretary of Administration shall adopt a rule to establish guidelines and oversight for hearing officers in the Executive Branch. As used in this section, "hearing officer" means a person employed by the State of Vermont whose exclusive duty is to resolve contested cases when a decision of an Executive Branch agency is challenged.

(b) The rule adopted pursuant to this subsection shall include provisions addressing the following topics:

(1) The rule shall include ethical standards for hearing officers. The ethical standards:

(A) may be based on the Model Code of Judicial Conduct for State Administrative Law Judges developed by the National Association of Administrative Law Judiciary;

(B) shall be made readily accessible to the public and to parties in administrative proceedings; and

(C) shall include provisions related to bias, impartiality and the appearance of impartiality, conflicts of interest, recusal and disqualification, confidentiality, and ex parte communications.

(2) The rule shall require the agency or department that employs the hearing officer to designate procedures for the receipt, consideration, and determination of complaints about the conduct of hearing officers. The procedures shall be provided to all parties in the matter.

(3) The rule shall ensure that all parties in proceedings presided over by a hearing officer are provided with a copy of the rules of procedure that apply to the proceedings. The rules shall prominently and specifically describe any appeal rights a party has and the procedure for filing an appeal.

Sec. 3. HEARING OFFICERS; REPORT

(a) On or before December 15, 2014, the Commissioner of Human Resources shall report to the House and Senate Committees on Judiciary and on Government Operations on the current and potential use and oversight of hearing officers in Vermont State government. The report shall:

(1) identify all State employees and contractors who function in whole or in part as hearing officers;

(2) analyze the feasibility and costs of expanding the rule adopted pursuant to 3 V.S.A. § 221 to all State employees and contractors who function in whole or in part as hearing officers; and

(3) analyze the feasibility and costs of providing education and training to:

(A) hearing officers covered by the rule adopted pursuant to 3 V.S.A. § 221; and

(B) all State employees and contractors who function in whole or in part as hearing officers.

(b) As used in this section:

(1) “Education and training” shall include content related to:

(A) the importance to the proceedings of fairness, impartiality, and the appearance of impartiality;

(B) the rules of evidence;

(C) legal writing, reasoning, and decision making;

(D) the ethical standards established pursuant to 3 V.S.A. § 221(b)(1);

(E) confidentiality; and

(F) the participation of pro se parties.

(2) “Hearing officer” means a person employed or contracted on a full-time or part-time basis by the State of Vermont whose duties include resolving contested cases when a decision of an Executive Branch agency is challenged.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 9-0-2)

(For text see Senate Journal February 26, 2014)

S. 264

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

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

Sec. 1. 1 V.S.A. § 317(c)(41) is amended to read:

(41) documents reviewed by the Victim's Compensation Board for purposes of approving an application for compensation pursuant to 13 V.S.A. chapter 167, except as provided by 13 V.S.A. §§ ~~5360~~ 5358a(b) and 7043(c).

Sec. 2. 4 V.S.A. § 601(d) is amended to read:

(d) The Judicial Nominating Board shall adopt rules under 3 V.S.A. chapter 25 ~~which that~~ shall establish criteria and standards for the nomination of qualified candidates for ~~justices~~ Justices of the ~~supreme~~-Supreme Court, ~~superior~~ Superior Court judges, ~~magistrates~~ Magistrates, the Chair of the Public Service Board, and members of the Public Service Board. The criteria and standards shall include such factors as integrity, legal knowledge and ability, judicial temperament, impartiality, health, experience, diligence, administrative and communicative skills, social consciousness, and public service. The application form shall not be included in the rules and may be developed and periodically revised at the discretion of the Board.

Sec. 3. 9 V.S.A. § 2292 is amended to read:

§ 2292. DEFENSES; LIABILITY AND PROTECTION OF TRANSFEREE

* * *

(e) A transfer is not voidable under subdivision 2288(a)(2) or section 2289 of this title if the transfer results from:

(1) termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law;

(2) enforcement of a security interest in compliance with 9A V.S.A. Article 9 ~~of Title 9A~~; or

(3) foreclosure of a mortgage in compliance with 12 V.S.A. subchapter 6 of chapter 163 ~~or subchapter 1 of chapter 172 of Title 12~~.

* * *

Sec. 4. 12 V.S.A. § 2794 is amended to read:

§ 2794. EXECUTION UPON REAL ESTATE; HOMESTEAD A PART

When an execution is levied upon real estate of which the debtor's homestead is a part or upon that part of a homestead in excess of ~~\$75,000.00~~ \$125,000.00 in value, the location and boundaries of the homestead shall be ascertained before the sale and set out in the manner provided for the levy of execution upon real estate whereof a homestead forms a part.

Sec. 5. 18 V.S.A. § 4474(b) is amended to read:

(b) Prior to acting on an application, the ~~department~~ Department shall obtain from the Vermont ~~criminal information center~~ Crime Information Center a Vermont criminal record, an out-of-state criminal record, and a criminal record from the Federal Bureau of Investigation for the applicant. ~~For purposes of this subdivision~~ As used in this subsection, "criminal record" means a record of whether the person has ever been convicted of a drug-related crime. Each applicant shall consent to release of criminal records to the ~~department~~ Department on forms ~~substantially similar to the release forms developed by the center pursuant to 20 V.S.A. § 2056e~~ Center. The ~~department~~ Department shall comply with all laws regulating the release of criminal history records and the protection of individual privacy. The Vermont ~~criminal information center~~ Crime Information Center shall send to the requester any record received pursuant to this section or inform the ~~department of public safety~~ Department of Public Safety that no record exists. If the ~~department~~ Department disapproves an application, the ~~department~~ Department shall promptly provide a copy of any record of convictions and pending criminal charges to the applicant and shall inform the applicant of the right to appeal the accuracy and completeness of the record pursuant to rules adopted by the Vermont ~~criminal information center~~ Crime Information Center. No person shall confirm the existence or nonexistence of criminal record information to any person who would not be eligible to receive the information pursuant to this subchapter.

Sec. 6. 18 V.S.A. § 4474g(b) is amended to read:

(b) Prior to acting on an application for a registry identification card, the ~~department of public safety~~ Department of Public Safety shall obtain with respect to the applicant a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation. Each applicant shall consent to the release of criminal history records to the ~~department~~ Department on forms ~~substantially similar to the release forms developed in accordance with 20 V.S.A. § 2056e~~ by the Vermont Crime Information Center.

Sec. 7. 20 V.S.A. § 2056e(a) is amended to read:

(a) The ~~department of buildings and general services~~ Department of

~~Buildings and General Services~~ shall obtain from the Vermont ~~criminal information center~~ Crime Information Center a Vermont criminal record, an out-of-state criminal record, and a record from the Federal Bureau of Investigation for any applicant for a ~~state~~ State security personnel position who has given written authorization, on a release form prescribed ~~under section 2056e of this chapter~~ by the Center, pursuant to the provisions of this subchapter and the user's agreement filed by the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services with the ~~center~~ Center. The user's agreement shall require the ~~department~~ Department to comply with all federal and ~~state~~ State statutes, rules, regulations, and policies regulating the release of criminal history records and the protection of individual privacy. The user's agreement shall be signed and kept current by the ~~commissioner~~ Commissioner. Release of interstate and Federal Bureau of Investigation criminal history records is subject to the rules and regulations of the Federal Bureau of Investigation's National Crime Information Center.

Sec. 8. 20 V.S.A. § 2056h is amended to read:

§ 2056h. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE DEPARTMENT OF FINANCIAL REGULATION

(a) The Department of Financial Regulation shall obtain from the Vermont ~~Criminal~~ Crime Information Center a Vermont criminal record, an out-of-state criminal record, and a record from the Federal Bureau of Investigation (FBI) for any applicant for a banking division examiner position who has given written authorization, on a release form prescribed ~~under section 2056e of this chapter~~ by the Center, pursuant to the provisions of this subchapter and the user's agreement filed by the Commissioner of Financial Regulation with the ~~center~~ Center. The user's agreement shall require the Department to comply with all federal and State statutes, rules, regulations, and policies regulating the release of criminal history records, and the protection of individual privacy. The user's agreement shall be signed and kept current by the Commissioner. Release of interstate and ~~F.B.I.~~ FBI criminal history records is subject to the rules and regulations of the ~~F.B.I.'s~~ FBI's National Crime Information Center.

* * *

Sec. 9. 27 V.S.A. § 145 is amended to read:

§ 145. EFFECT OF SPOUSE JOINING IN MORTGAGE

If the homestead or lands included therein are mortgaged by the joint deed of husband and wife, the joining of the wife or husband in the mortgage shall have no other effect than to bar her or his claim to the homestead as against the mortgage. If the mortgage includes lands other than the homestead, and the owner thereof dies, the other lands shall be first sold by the executor or

administrator and applied on the mortgage and the residue only shall rest on the homestead. When the ~~probate division of the superior court~~ Probate Division of the Superior Court orders the whole to be sold, the balance of the proceeds after the payment of the mortgage, not exceeding ~~\$75,000.00~~ \$125,000.00 shall be under the control of the ~~court~~ Court as in case of the sale of a homestead under this chapter.

Sec. 10. 27 V.S.A. § 182 is amended to read:

§ 182. APPLICATION TO SUPERIOR COURT FOR RELIEF

When a dwelling house, outbuildings, and lands in which a homestead right exists, exceed in value ~~\$75,000.00~~, \$125,000.00 and a severance of the homestead would greatly depreciate the value of the residue of the premises or be of great inconvenience to the parties interested either in the residue or in the homestead, either party may apply for relief to the ~~superior court~~ Superior Court by a complaint setting forth the facts.

Sec. 11. 27 V.S.A. § 183 is amended to read:

§ 183. TRANSFER OR SALE IN LIEU OF SEVERANCE

When it appears upon hearing that such homestead cannot be occupied in severalty without great inconvenience to the parties interested therein or in such residue, the ~~court~~ Court may order such homestead to be transferred to such other parties and the payment of ~~\$75,000.00~~ \$125,000.00 to the owner thereof, or, at the option of the owner, ~~such court~~ the Court may order the parties to transfer such residue to him or her and order him or her thereupon to pay such other parties the value thereof to be fixed by the ~~court~~ Court. If the case requires, the ~~court~~ Court may order a sale of the whole premises and apportion the proceeds between the parties, and the ~~court~~ Court may make such orders in the premises as are equitable. If such homestead is sold, the ~~court~~ Court may control the investment of the proceeds of the sale in a new homestead or make such disposition thereof as equity requires.

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 9-0-2)

(For text see Senate Journal March 11, 2014)

Senate Proposal of Amendment

H. 413

An act relating to the Uniform Collateral Consequences of Conviction Act

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 1, in subsection 8013(d), by striking out in its entirety the sentence “The Court shall maintain a public record of the issuance and modification of orders of limited relief and certificates of restoration of rights.”

Second: In Sec. 1, by striking out section 8012 in its entirety and inserting in lieu thereof a new section 8012 to read:

§ 8012. DISCRETIONARY DISQUALIFICATIONS AND MANDATORY
SANCTIONS NOT SUBJECT TO ORDER OF LIMITED RELIEF
OR CERTIFICATE OF RESTORATION OF RIGHTS

(a) An order of limited relief or certificate of restoration of rights may not be issued to relieve the following mandatory sanctions:

(1) requirements imposed by chapter 167, subchapter 3 of this title (sex offender registration; law enforcement notification);

(2) a motor vehicle license suspension, revocation, limitation, or ineligibility pursuant to Title 23 for which restoration or relief is available; or

(3) ineligibility for employment by law enforcement agencies, including the Office of the Attorney General, State’s Attorney, police departments, sheriff’s departments, State Police, or the Department of Corrections.

(b) An order of limited relief or certificate of restoration of rights may not be issued to relieve a discretionary disqualification or mandatory sanction imposed due to:

(1) a conviction of a listed crime as defined in section 5301 of this title;
or

(2) a conviction of trafficking of regulated drugs pursuant to 18 VSA chapter 84.

Third: By striking out Sec. 2 in its entirety and inserting in lieu thereof the following Secs. 2-3:

Sec. 2. 2009 Acts and Resolves No. 58, Sec. 14, as amended by 2010 Acts and Resolves No. 66, Sec. 3, is further amended to read:

Sec. 14. 13 V.S.A. § 5411a is amended to read:

§ 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

* * *

(b) The ~~department~~ Department shall electronically post the following information ~~on~~ regarding sex offenders designated in subsection (a) of this section:

- (1) the offender's name and any known aliases;
- (2) the offender's date of birth;
- (3) a general physical description of the offender;
- (4) a digital photograph of the offender;
- (5) the offender's town of residence;
- (6) the date and nature of the offender's conviction;

(7) except as provided in subsection (1) of this section, the offender's address or, if the offender does not have a fixed address, other information about where the offender habitually lives, if:

(A) the offender has been designated as high risk by the Department of Corrections pursuant to section 5411b of this title;

(B) the offender has not complied with sex offender treatment;

(C) there is an outstanding warrant for the offender's arrest;

(D) the offender is subject to the Registry for a conviction of a sex offense against a child under 13 years of age; or

(E) the offender's name has been electronically posted for an offense committed in another jurisdiction which required the person's address to be electronically posted in that jurisdiction;

(8) if the offender is under the supervision of the Department of Corrections, the name and telephone number of the local Department of Corrections office in charge of monitoring the sex offender;

~~(8)~~(9) whether the offender complied with treatment recommended by the Department of Corrections;

~~(9)~~(10) a statement that there is an outstanding warrant for the offender's arrest, if applicable;

~~(10)~~(11) the reason for which the offender information is accessible under this section;

~~(11)~~(12) whether the offender has been designated ~~high-risk~~ high risk by the Department of Corrections pursuant to section 5411b of this title; and

~~(12)~~(13) if the offender has not been subject to a risk assessment, a

statement that the offender has not been so assessed and that such a person is presumed to be high risk, provided that the Department of Corrections shall permit a person subject to this subdivision to obtain a risk assessment at the person's own expense.

* * *

(d) ~~An offender's street address shall not be posted electronically.~~ The identity of a victim of an offense that requires registration shall not be released.

* * *

Sec. 3. EFFECTIVE DATES

This act shall take effect on passage except for Sec. 1 (collateral consequences of conviction) which shall take effect on July 1, 2015.

(For text see House Journal March 14, 2014)

H. 501

An act relating to operating a motor vehicle under the influence of alcohol or drugs

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. INTENT

It is the intent of the General Assembly that 23 V.S.A. § 1201(a)(3) as amended by this act be construed in the same manner that the Vermont Supreme Court has construed 23 V.S.A. § 1201(a)(2). In cases such as *State v. Schmitt*, 150 Vt. 503, 508 (1988) and *State v. Storrs*, 105 Vt. 180, 185 (1933), the Court has said that "under the influence of intoxicating liquor" means that a person's full mental or physical abilities are diminished, impaired, or affected in the slightest degree by intoxicating liquor. It is the intent of the General Assembly that the words "under the influence of any other drug or under the combined influence of alcohol and any other drug" in 23 V.S.A. § 1201(a)(3) be interpreted in the same manner.

Sec. 2. 23 V.S.A. § 1201 is amended to read:

§ 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR OTHER SUBSTANCE; CRIMINAL REFUSAL; ENHANCED PENALTY FOR BAC OF 0.16 OR MORE

(a) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway:

(1) when the person's alcohol concentration is 0.08 or more, or 0.02 or more if the person is operating a school bus as defined in subdivision 4(34) of this title; or

(2) when the person is under the influence of intoxicating liquor; or

(3) when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug ~~to a degree which renders the person incapable of driving safely~~; or

(4) when the person's alcohol concentration is 0.04 or more if the person is operating a commercial motor vehicle as defined in subdivision 4103(4) of this title.

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(For text see House Journal March 12, 2014)

H. 552

An act relating to raising the Vermont minimum wage

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~\$7.25, \$9.15. Beginning January 1, 2016, an employer shall not employ any employee at a rate of less than \$9.60. Beginning January 1, 2017, an employer shall not employ any employee at a rate of less than \$10.00. Beginning January 1, 2018, an employer shall not employ any employee at a rate of less than \$10.50, and, beginning January 1, 2007, 2019 and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than ~~\$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the same percentage rate as the minimum wage rate~~ one-half the minimum wage. For the purposes of As used in this subsection, "a service or tipped employee" means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 per month in tips for direct and personal customer service. If the minimum wage rate established by the ~~United States~~~~

U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the ~~United States~~ U.S. government.

* * *

Sec. 2. 10 V.S.A. § 531 is amended to read:

§ 531. EMPLOYMENT TRAINING PROGRAM

* * *

(c) The employer promises as a condition of the grant to:

(1) employ new persons at a wage which, at the completion of the training program, ~~is two times the prevailing state or federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 30 percent of the gross program wage, or for existing employees, to increase the wage to two times the prevailing state and federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 20 percent of the gross program wage, upon completion of training; provided, however, that in areas defined by the Secretary of Commerce and Community Development in which the Secretary finds that the rate of unemployment is 50 percent greater than the average for the State, the wage rate under this subsection may be set by the Secretary at a rate no less than one and one-half times the federal or state minimum wage, whichever is greater~~ equals or exceeds the livable wage as defined in 2 V.S.A. § 505;

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(For text see House Journal April 8, 9, 2014)

H. 555

An act relating to the commitment of a criminal defendant who is incompetent to stand trial because of a traumatic brain injury

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 4801 is amended to read:

§ 4801. TEST OF INSANITY IN CRIMINAL CASES

(a) The test when used as a defense in criminal cases shall be as follows:

(1) A person is not responsible for criminal conduct if at the time of such conduct, as a result of mental ~~disease or defect~~ illness, developmental disability, or traumatic brain injury, he or she lacks adequate capacity either to

appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law.

(2) The terms ~~“mental disease or defect”~~ “mental illness, developmental disability, or traumatic brain injury” do not include an abnormality manifested only by repeated criminal or otherwise anti-social conduct. ~~The terms “mental disease or defect” shall include congenital and traumatic mental conditions as well as disease.~~

(b) The defendant shall have the burden of proof in establishing insanity as an affirmative defense by a preponderance of the evidence.

Sec. 2. 13 V.S.A. § 4814 is amended to read:

§ 4814. ORDER FOR EXAMINATION

(a) Any court before which a criminal prosecution is pending may order the ~~department of mental health~~ Department of Mental Health to have the defendant examined by a psychiatrist at any time before, during or after trial, and before final judgment in any of the following cases:

(1) ~~When~~ when the defendant enters a plea of not guilty, or when such a plea is entered in the defendant’s behalf, and then gives notice of the defendant’s intention to rely upon the defense of insanity at the time of the alleged crime, or to introduce expert testimony relating to a ~~mental disease, defect,~~ mental illness, developmental disability, traumatic brain injury or other condition bearing upon the issue of whether he or she had the mental state required for the offense charged;

(2) ~~When~~ when the defendant, the ~~state~~ State, or an attorney, guardian, or other person acting on behalf of the defendant, raises before ~~such~~ the ~~court~~ Court the issue of whether the defendant is mentally competent to stand trial for the alleged offense;

(3) ~~When~~ when the ~~court~~ Court believes that there is doubt as to the defendant’s sanity at the time of the alleged offense; or

(4) ~~When~~ when the ~~court~~ Court believes that there is doubt as to the defendant’s mental competency to be tried for the alleged offense.

(b) ~~Such~~ An order under this section may be issued by the ~~court~~ Court on its own motion, or on motion of the ~~state~~ State, the defendant, or an attorney, guardian, or other person acting on behalf of the defendant.

Sec. 3. 13 V.S.A. § 4815 is amended to read:

§ 4815. PLACE OF EXAMINATION; TEMPORARY COMMITMENT

(a) It is the purpose of this section to provide a mechanism by which a

defendant is examined in the least restrictive environment deemed sufficient to complete the examination and prevent unnecessary pre-trial detention and substantial threat of physical violence to any person, including a defendant.

(b) The order for examination may provide for an examination at any jail or correctional center, or at the State Vermont Psychiatric Care Hospital or a designated hospital, ~~or at its successor in interest~~, or at such other place as the Court shall determine, after hearing a recommendation by the Commissioner of Mental Health.

(c) A motion for examination shall be made as soon as practicable after a party or the Court has good faith reason to believe that there are grounds for an examination. An attorney making such a motion shall be subject to the potential sanctions of Rule 11 of the Vermont Rules of Civil Procedure.

(d) Upon the making of a motion for examination, the Court shall order a mental health screening to be completed by a designated mental health professional while the defendant is still at the Court.

(e) If the screening cannot be commenced and completed at the courthouse within two hours from the time of the defendant's appearance before the Court, the Court may ~~forego~~ forgo consideration of the screener's recommendations.

(f) The Court and parties shall review the recommendation of the designated mental health professional and consider the facts and circumstances surrounding the charge and observations of the defendant in court. If the Court finds sufficient facts to order an examination, it may be ordered to be completed in the least restrictive environment deemed sufficient to complete the examination, consistent with subsection (a) of this section.

(g)(1) Inpatient examination at the Vermont State Psychiatric Care Hospital, ~~or its successor in interest~~, or a designated hospital. The Court shall not order an inpatient examination unless the designated mental health professional determines that the defendant is a person in need of treatment as defined in 18 V.S.A. § 7101(17).

(2) Before ordering the inpatient examination, the ~~court~~ Court shall determine what terms, if any, shall govern the defendant's release from custody under sections 7553-7554 of this title.

(3) An order for inpatient examination shall provide for placement of the defendant in the custody and care of the ~~commissioner of mental health~~ Commissioner of Mental Health.

(A) If a Vermont State Psychiatric Care Hospital psychiatrist, ~~or a psychiatrist of its successor in interest~~, or a designated hospital psychiatrist determines prior to admission that the defendant is not in need of inpatient

hospitalization ~~prior to admission~~, the Commissioner shall release the defendant pursuant to the terms governing the defendant's release from the Commissioner's custody as ordered by the Court. The Commissioner of Mental Health shall ensure that all individuals who are determined not to be in need of inpatient hospitalization receive appropriate referrals for outpatient mental health services.

(B) If a Vermont ~~State~~ Psychiatric Care Hospital psychiatrist, ~~or a psychiatrist of its successor in interest~~, or designated hospital psychiatrist determines that the defendant is in need of inpatient hospitalization:

(i) The Commissioner shall obtain an appropriate inpatient placement for the defendant at the Vermont ~~State~~ Psychiatric Care Hospital psychiatrist, ~~or a psychiatrist of its successor in interest~~, or a designated hospital and, based on the defendant's clinical needs, may transfer the defendant between hospitals at any time while the order is in effect. A transfer to a designated hospital outside the no refusal system is subject to acceptance of the patient for admission by that hospital.

(ii) The defendant shall be returned to court for further appearance on the following business day if the defendant is no longer in need of inpatient hospitalization, unless the terms established by the ~~court~~ Court pursuant to subdivision (2) of this section permit the defendant to be released from custody.

(C) The defendant shall be returned to court for further appearance within two business days after the Commissioner notifies the ~~court~~ Court that the examination has been completed, unless the terms established by the Court pursuant to subdivision (2) of this section permit the defendant to be released from custody.

(4) If the defendant is to be released pursuant to subdivision (3)(A), (3)(B)(ii), or (3)(C) of this subsection and is not in the custody of the Commissioner of Corrections, the defendant shall be returned to the defendant's residence or ~~such other~~ to another appropriate place within the State of Vermont by the Department of Mental Health at the expense of the ~~court~~ Court.

(5) If it appears that an inpatient examination cannot reasonably be completed within 30 days, the Court issuing the original order, on request of the ~~commissioner~~ Commissioner and upon good cause shown, may order placement at the hospital extended for additional periods of 15 days in order to complete the examination, and the defendant on the expiration of the period provided for in such order shall be returned in accordance with this subsection.

(6) ~~For the purposes of~~ As used in this subsection, "in need of inpatient

hospitalization” means an individual has been determined under clinical standards of care to require inpatient treatment.

(h) Except upon good cause shown, defendants charged with misdemeanor offenses who are not in the custody of the Commissioner of Corrections shall be examined on an outpatient basis for mental competency. Examinations occurring in the community shall be conducted at a location within 60 miles of the defendant’s residence or at another location agreed to by the defendant.

(i) As used in this section:

~~(1) “No, “no refusal system”~~ means a system of hospitals and intensive residential recovery facilities under contract with the Department of Mental Health that provides high intensity services, in which the facilities shall admit any individual for care if the individual meets the eligibility criteria established by the Commissioner in contract.

~~(2) “Successor in interest” shall mean the mental health hospital owned and operated by the State that provides acute inpatient care and replaces the Vermont State Hospital.~~

Sec. 4. 13 V.S.A. § 4816 is amended to read:

§ 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

(a) Examinations provided for in the preceding section shall have reference to:

(1) ~~Mental~~ mental competency of the person examined to stand trial for the alleged offense; and

(2) ~~Sanity~~ sanity of the person examined at the time of the alleged offense.

(b) A competency evaluation for an individual thought to have a developmental disability or traumatic brain injury shall include a current evaluation by a psychologist or other appropriate medical professional skilled in assessing individuals with ~~developmental disabilities~~ those conditions.

(c) As soon as practicable after the examination has been completed, the examining psychiatrist or psychologist, if applicable, shall prepare a report containing findings in regard to each of the matters listed in subsection (a) of this section. The report shall be transmitted to the Court issuing the order for examination, and copies of the report shall be sent to the ~~state’s attorney~~ State’s Attorney, and to the respondent’s attorney if the respondent is represented by counsel.

(d) No statement made in the course of the examination by the person examined, whether or not he or she has consented to the examination, shall be

admitted as evidence in any criminal proceeding for the purpose of proving the commission of a criminal offense or for the purpose of impeaching testimony of the person examined.

(e) The relevant portion of a psychiatrist's report shall be admitted into evidence as an exhibit on the issue of the person's mental competency to stand trial, and the opinion therein shall be conclusive on the issue if agreed to by the parties and if found by the Court to be relevant and probative on the issue.

(f) Introduction of a report under subsection (d) of this section shall not preclude either party or the Court from calling the psychiatrist who wrote the report as a witness or from calling witnesses or introducing other relevant evidence. Any witness called by either party on the issue of the defendant's competency shall be at the ~~state's~~ State's expense, or, if called by the Court, at the Court's expense.

Sec. 5. 13 V.S.A. § 4817 is amended to read:

§ 4817. COMPETENCY TO STAND TRIAL; DETERMINATION

(a) A person shall not be tried for a criminal offense if he or she is incompetent to stand trial.

(b) If a person indicted, complained, or informed against for an alleged criminal offense, an attorney or guardian acting in his or her behalf, or the ~~state~~ State, at any time before final judgment, raises before the court before which ~~such the~~ the person is tried or is to be tried, the issue of whether ~~such the~~ the person is incompetent to stand trial, or if the ~~court~~ Court has reason to believe that ~~such the~~ the person may not be competent to stand trial, a hearing shall be held before ~~such the court~~ Court at which evidence shall be received and a finding made regarding his or her competency to stand trial. However, in cases where the ~~court~~ Court has reason to believe that ~~such the~~ the person may be incompetent to stand trial due to a mental ~~disease or mental defect, such illness, developmental disability, or traumatic brain injury,~~ illness, developmental disability, or traumatic brain injury, the hearing shall not be held until an examination has been made and a report submitted by an examining psychiatrist in accordance with sections 4814-4816 of this title.

(c) A person who has been found incompetent to stand trial for an alleged offense may be tried for that offense if, upon subsequent hearing, ~~such the~~ the person is found by the court having jurisdiction of his or her trial for the offense to have become competent to stand trial.

Sec. 6. 13 V.S.A. § 4819 is amended to read:

§ 4819. ACQUITTAL BY REASON OF INSANITY

When a person tried on information, complaint, or indictment is acquitted by a jury by reason of insanity at the time of the alleged offense, the jury shall

state in its verdict of not guilty that the ~~same is given for such cause~~ acquittal is for that reason.

Sec. 7. 13 V.S.A. § 4820 is amended to read:

§ 4820. HEARING REGARDING COMMITMENT

~~When a person charged on information, complaint, or indictment with a criminal offense:~~

~~(1) Is reported by the examining psychiatrist following examination pursuant to sections 4814-4816 of this title, to have been insane at the time of the alleged offense; or~~

~~(2) Is found upon hearing pursuant to section 4817 of this title to be incompetent to stand trial due to a mental disease or mental defect; or~~

~~(3) Is not indicted upon hearing by grand jury by reason of insanity at the time of the alleged offense, duly certified to the court; or~~

~~(4) Upon trial by court or jury is acquitted by reason of insanity at the time of the alleged offense; the court before which such person is tried or is to be tried for such offense, shall hold a hearing for the purpose of determining whether such person should be committed to the custody of the commissioner of mental health.~~

(a) The court before which a person is tried or is to be tried for a criminal offense shall hold a hearing for the purpose of determining whether the person should be committed to the custody of the Commissioner of Mental Health or, as provided in 18 V.S.A. chapter 206, to the Commissioner of Disabilities, Aging, and Independent Living, if the person is charged on information, complaint, or indictment with the offense and:

(1) is reported by the examining psychiatrist following examination pursuant to sections 4814-4816 of this title to have been insane at the time of the alleged offense;

(2) is found upon hearing pursuant to section 4817 of this title to be incompetent to stand trial due to a mental illness, intellectual disability, or traumatic brain injury;

(3) is not indicted upon hearing by grand jury by reason of insanity at the time of the alleged offense, duly certified to the Court; or

(4) upon trial by court or jury is acquitted by reason of insanity at the time of the alleged offense.

(b) Such A person subject to a hearing under subsection (a) of this section may be confined in jail or some other suitable place by order of the ~~court~~ Court

pending hearing for a period not exceeding 15 days.

Sec. 8. 13 V.S.A. § 4821 is amended to read:

§ 4821. NOTICE OF HEARING; PROCEDURES

The person who is the subject of the proceedings, his or her attorney, the legal guardian, if any, the ~~commissioner of mental health or the commissioner of disabilities, aging, and independent living, and the state's attorney~~ Commissioner of Mental Health or the Commissioner of Disabilities, Aging, and Independent Living, and the State's Attorney or other prosecuting officer representing the ~~state~~ State in the case, shall be given notice of the time and place of a hearing under the preceding section. Procedures for hearings for persons who are mentally ill shall be as provided in 18 V.S.A. chapter 181 of Title 18. Procedures for hearings for persons who are ~~mentally retarded intellectually disabled or have a traumatic brain injury~~ shall be as provided in 18 V.S.A. chapter 206, subchapter 3 of chapter 206 of Title 18.

Sec. 9. 13 V.S.A. § 4822 is amended to read:

§ 4822. FINDINGS AND ORDER; MENTALLY ILL PERSONS

(a) If the Court finds that ~~such~~ the person is a person in need of treatment or a patient in need of further treatment as defined in 18 V.S.A. § 7101, the ~~court~~ Court shall issue an order of commitment directed to the Commissioner of Mental Health, which shall admit the person to the care and custody of the Department of Mental Health for an indeterminate period. In any case involving personal injury or threat of personal injury, the committing Court may issue an order requiring a court hearing before a person committed under this section may be discharged from custody.

(b) ~~Such~~ The order of commitment shall have the same force and effect as an order issued under 18 V.S.A. §§ 7611-7622, and persons committed under such an order shall have the same status, and the same rights, including the right to receive care and treatment, to be examined and discharged, and to apply for and obtain judicial review of their cases, as persons ordered committed under 18 V.S.A. §§ 7611-7622.

(c) Notwithstanding the provisions of subsection (b) of this section, at least 10 days prior to the proposed discharge of any person committed under this section the Commissioner of Mental Health shall give notice thereof to the committing Court and ~~state's attorney~~ State's Attorney of the county where the prosecution originated. In all cases requiring a hearing prior to discharge of a person found incompetent to stand trial under section 4817 of this title, the hearing shall be conducted by the committing Court issuing the order under that section. In all other cases, when the committing Court orders a hearing

under subsection (a) of this section or when, in the discretion of the Commissioner of Mental Health, a hearing should be held prior to the discharge, the hearing shall be held in the Family Division of the Superior Court to determine if the committed person is no longer a person in need of treatment or a patient in need of further treatment as set forth in subsection (a) of this section. Notice of the hearing shall be given to the Commissioner, the ~~state's attorney~~ State's Attorney of the county where the prosecution originated, the committed person, and the person's attorney. Prior to the hearing, the ~~state's attorney~~ State's Attorney may enter an appearance in the proceedings and may request examination of the patient by an independent psychiatrist, who may testify at the hearing.

(d) The Court may continue the hearing provided in subsection (c) of this section for a period of 15 additional days upon a showing of good cause.

(e) If the ~~court~~ Court determines that commitment shall no longer be necessary, it shall issue an order discharging the patient from the custody of the ~~department of developmental and mental health services~~ Department of Mental Health.

(f) The Court shall issue its findings and order not later than 15 days from the date of hearing.

Sec. 10. 13 V.S.A. § 4823 is amended to read:

§ 4823. FINDINGS AND ORDER; PERSONS WITH MENTAL RETARDATION INTELLECTUAL DISABILITY OR TRAUMATIC BRAIN INJURY

(a) If the ~~court~~ Court finds that ~~such~~ the person is a person in need of custody, care, and habilitation as defined in 18 V.S.A. § 8839, the ~~court~~ Court shall issue an order of commitment directed to the Commissioner of Disabilities, Aging, and Independent Living for care and habilitation of such person for an indefinite or limited period in a designated program.

(b) ~~Such~~ The order of commitment shall have the same force and effect as an order issued under 18 V.S.A. § 8843 and persons committed under ~~such an~~ the order shall have the same status, and the same rights, including the right to receive care and habilitation, to be examined and discharged, and to apply for and obtain judicial review of their cases, as persons ordered committed under 18 V.S.A. § 8843.

(c) Section 4822 of this title shall apply to persons proposed for discharge under this section; however, judicial proceedings shall be conducted in the Criminal Division of the Superior Court in which the person then resides, unless the person resides out of state in which case the proceedings shall be

conducted in the original committing Court.

Sec. 11. 18 V.S.A. § 8839 is amended to read:

§ 8839. DEFINITIONS

As used in this subchapter:

* * *

(3) “Person in need of custody, care, and habilitation” means:

(A) a ~~mentally retarded~~ person with an intellectual disability or a person with a traumatic brain injury;

(B) who presents a danger of harm to others; and

(C) for whom appropriate custody, care, and habilitation can be provided by the ~~commissioner~~ Commissioner in a designated program.

Sec. 12. CONSTRUCTION

This act’s replacement of the terms “mental disease or mental defect” with the terms “mental illness,” “intellectual disability,” or “developmental disability” in 13 V.S.A. chapter 157 shall not be construed to alter the substance or effect of existing law or judicial precedent. These changes in terminology are merely meant to reflect evolving attitudes toward persons with disabilities.

Sec. 13. REPORTS

(a) On or before September 1, 2014 the Court Administrator shall report to the House and Senate Committees on Judiciary the House Committee on Human Services, and the Senate Committee on Health and Welfare on the number of cases from July 1, 2011 through June 30, 2013 in which the Court ordered the Department of Mental Health to examine a defendant pursuant to 13 V.S.A. § 4814 to determine if he or she was insane at the time of the offense or is incompetent to stand trial. The report shall include a breakdown indicating how many orders were based on mental illness, developmental disability, and traumatic brain injury, and shall include the number of persons who were found to be in need of custody, care, and habilitation under 13 V.S.A. § 4823. A copy of the report shall be provided to the Department of Disabilities, Aging, and Independent Living.

(b)(1) On or before September 1, 2014, the Department of Sheriffs and State’s Attorneys shall report to the House and Senate Committees on Judiciary regarding the charging practices of State’s Attorneys for persons with traumatic brain injury.

(2) The report shall describe the number of cases from July 1, 2011 through June 30, 2013, broken down by the type of criminal charge, in which a

person with traumatic brain injury was:

(A) charged with a criminal offense, including the disposition of the offense;

(B) charged with a criminal offense and the charges were dismissed because the person was suffering from a traumatic brain injury; and

(C) arrested for, or otherwise believed to be responsible for, a crime and criminal charges were not brought because the person was suffering from a traumatic brain injury.

(3) A copy of the report shall be provided to the Department of Disabilities, Aging, and Independent Living.

(c) On or before October 1, 2014 and on or before February 1, 2015, the Department of Disabilities, Aging, and Independent Living shall report to the House and Senate Committees on Judiciary, the House Committee on Human Services, and the Senate Committee on Health and Welfare on the status of the Department's progress toward implementation of this act. The status reports shall include updates on the Department's progress in evaluating best practices for treatment of persons with traumatic brain injuries who are unable to conform their behavior to the requirements of the law, and in identifying appropriate programs and services to provide treatment to enable those persons to be fully reintegrated into the community consistent with public safety. The status reports shall also include updates on the Department's progress on the design of the programs and services needed to treat persons with traumatic brain injuries who have been found not guilty by reason of insanity or incompetent to stand trial as required by this act.

Sec. 14. IMPLEMENTATION

(a) On or before April 30, 2015, the Department of Disabilities, Aging, and Independent Living shall request approval and funding from the Senate and House Committees on Judiciary and on Appropriations for the Department's plan to implement this act. The Department shall commence implementation of the plan, including requesting that it be included under the Global Commitment Waiver by the Centers for Medicare and Medicaid Services, if the plan is approved by a majority vote of the Senate and House Committees on Judiciary and funded by a majority vote of the Senate and House Committees on Appropriations.

Sec. 15. APPROPRIATION

The amount of \$50,000.00 is appropriated in fiscal year 2014 from the Global Commitment Fund to the Department of Disabilities, Aging, and Independent Living to research and design a program that satisfies this act's

requirement that the Department treat persons with traumatic brain injuries who have been found not guilty by reason of insanity or incompetent to stand trial. To the maximum extent possible, the Department shall design the program to be integrated into the Department's existing framework of services.

Sec. 16. EFFECTIVE DATES

(a) Secs. 1–12 shall take effect on July 1, 2017.

(b) Secs. 13, 14, 15, and this section shall take effect on passage.

(For text see House Journal March 26, 27, 2014)

H. 578

An act relating to administering State funds for loans to individuals for replacement of failed wastewater systems and potable water supplies

The Senate proposes to the House to amend the bill as follows:

In Sec. 1, 24 V.S.A. § 4753, in subsection (b), in the second sentence, after “8 V.S.A. § 30101(3)” by inserting , a credit union, as that term is defined in 8 V.S.A. § 30101(5).

(For text see House Journal February 5, 2014)

H. 645

An act relating to workers' compensation

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 632 is amended to read:

§ 632. COMPENSATION TO DEPENDENTS; ~~DEATH BENEFITS~~
BURIAL AND FUNERAL EXPENSES

If death results from the injury, the employer shall pay to the persons entitled to compensation or, if there is none, then to the personal representative of the deceased employee, the actual burial and funeral expenses ~~in the amount of \$5,500.00~~ not to exceed \$10,000.00 and the actual expenses for out-of-state transportation of the decedent to the place of burial ~~not to exceed \$1,000.00~~ \$5,000.00. Every two years, the Commissioner of Labor shall evaluate the average burial and funeral expenses in the State and make a recommendation to the House Committee on Commerce and Economic Development and the Senate Committee on Finance as to whether an adjustment in compensation is warranted. The employer shall also pay to or for the benefit of the following persons, for the periods prescribed in section 635 of this title, a weekly compensation equal to the following percentages of the deceased employee's

average weekly wages. The weekly compensation payment herein allowed shall not exceed the maximum weekly compensation or be lower than the minimum weekly compensation:

* * *

Sec. 2. 21 V.S.A. § 639 is amended to read:

§ 639. DEATH, PAYMENT TO DEPENDENTS

In cases of the death of a person from any cause other than the accident during the period of payments for disability or for the permanent injury, the remaining payments for disability then due or for the permanent injury shall be made to the person's dependents according to the provisions of sections 635 and 636 of this title, or if there are none, the remaining amount due, but ~~not exceeding \$5,500.00 for burial and funeral expenses~~ no more than the actual burial and funeral expenses not to exceed \$10,000.00 and the actual expenses for out-of-state transportation of the decedent to the place of burial not to exceed \$1,000.00 \$5,000.00, shall be paid in a lump sum to the proper person. Every two years, the Commissioner of Labor shall evaluate the average burial and funeral expenses in the State and make a recommendation to the House Committee on Commerce and Economic Development and the Senate Committee on Finance as to whether an adjustment in compensation is warranted.

Sec. 3. 21 V.S.A. § 640c is added to read:

§ 640c. OPIOID USAGE DETERRENCE

(a) In support of the State's fundamental interest in ensuring the well-being of employees and employers, it is the intent of the General Assembly to protect employees from the dangers of prescription drug abuse while maintaining a balance between the employee's health and the employee's expedient return to work.

(b) As it pertains to workers' compensation claims, the Commissioner of Labor, in consultation with the Department of Health, the State Pharmacologist, the Vermont Board of Medical Practice, and the Vermont Medical Society, shall adopt rules consistent with the best practices governing the prescription of opioids, including patient screening, drug screening, and claim adjudication for patients prescribed opioids for chronic pain. In adopting rules, the Commissioner shall consider guidelines and standards such as the Occupational Medicine Practice Guidelines published by the American College of Occupational and Environmental Medicine and other medical authorities with expertise in the treatment of chronic pain. The rules shall be consistent with the standards and guidelines provided under 18 V.S.A. § 4289 and any rules adopted by the Department of Health pursuant to 18 V.S.A.

§ 4289.

Sec. 4. 21 V.S.A. § 641 is amended to read:

§ 641. VOCATIONAL REHABILITATION

* * *

(e)(1) In support of the State's fundamental interest in ensuring the well-being of employees and employers, it is the intent of the General Assembly that, following a workplace accident, an employee returns to work as soon as possible but remains cognizant of the limitations imposed by his or her medical condition.

(2) The Commissioner shall adopt rules promoting development and implementation of cost-effective, early return-to-work programs.

Sec. 5. 21 V.S.A. § 643a is amended to read:

§ 643a. DISCONTINUANCE OF BENEFITS

Unless an injured worker has successfully returned to work, an employer shall notify both the Commissioner and the employee prior to terminating benefits under either section 642 or 646 of this title. The notice of intention to discontinue payments shall be filed on forms prescribed by the Commissioner and shall include the date of the proposed discontinuance, the reasons for it, and, if the employee has been out of work for 90 days, a verification that the employer offered vocational rehabilitation screening and services as required under this chapter. All relevant evidence, including evidence that does not support discontinuance in the possession of the employer ~~not already filed, shall be filed with the notice~~ shall be provided to the injured worker. With the notice of discontinuance, the employer shall file only evidence relevant to the discontinuance, including evidence that does not support the discontinuance, with the Commissioner. The liability for the payments shall continue for ~~seven~~ 14 days after the notice is received by the ~~commissioner~~ Commissioner and the employee. If the claimant disputes the discontinuance, the claimant may file with the Commissioner an objection to the discontinuance and seek an extension of the 14-day limit. The Commissioner may grant an extension up to 21 days. The request for an extension shall be specific as to the number of days needed and the reason for the extension and must be received by the Commissioner prior to the end of the 14-day limit. A copy of the request for an extension shall be provided to the employer at the time the request is made to the Commissioner. Those payments shall be made without prejudice to the employer and may be deducted from any amounts due pursuant to section 648 of this title if the Commissioner determines that the discontinuance is warranted or if otherwise ordered by the Commissioner. Every notice shall be reviewed by the Commissioner to determine the sufficiency of the basis for the

proposed discontinuance. If, after review of all the evidence in the file, the Commissioner finds that a preponderance of all the evidence in the file does not reasonably support the proposed discontinuance, the Commissioner shall order that payments continue until a hearing is held and a decision is rendered. Prior to a formal hearing, an injured worker may request reinstatement of benefits by providing additional new evidence to the Department that establishes that a preponderance of all evidence now supports the claim. If the Commissioner's decision, after a hearing, is that the employee was not entitled to any or all benefits paid between the discontinuance and the final decision, upon request of the employer, the Commissioner may order that the employee repay all benefits to which the employee was not entitled. The employer may enforce a repayment order in any court of law having jurisdiction.

Sec. 6. 21 V.S.A. § 696 is amended to read:

§ 696. CANCELLATION OF INSURANCE CONTRACTS

A policy or contract shall not be cancelled within the time ~~limited specified~~ in the policy or contract for its expiration, until at least 45 days after a notice of intention to cancel the policy or contract, on a date specified in the notice, has been filed in the office of the ~~commissioner~~ Commissioner and provided to the employer. The notice shall be filed with the Commissioner in accordance with rules adopted by the Commissioner and provided to the employer by certified mail ~~or certificate of mailing~~. The cancellation shall not affect the liability of an insurance carrier on account of an injury occurring prior to cancellation.

Sec. 7. 21 V.S.A. § 697 is amended to read:

§ 697. NOTICE OF INTENT NOT TO RENEW POLICY

An insurance carrier who does not intend to renew a workers' compensation insurance policy of workers' compensation insurance or guarantee contract covering the liability of an employer under the provisions of this chapter, ~~45 days prior to the expiration of the policy or contract~~, shall give notice of ~~the its~~ intention to the ~~commissioner of labor~~ Commissioner and ~~to the covered employer~~ at least 45 days prior to the expiration date stated in the policy or contract. The notice shall be given to the employer by certified mail ~~or certificate of mailing~~. An insurance carrier who fails to give notice shall continue the policy or contract in force beyond its expiration date for 45 days from the day the notice is received by the ~~commissioner~~ Commissioner and the employer. However, ~~this latter provision shall not apply if, prior to such expiration date,~~ on or before the expiration of the existing insurance or guarantee contract the insurance carrier has, by delivery of a renewal contract or otherwise, offered to continue the insurance ~~beyond the date by delivery of a renewal contract or otherwise,~~ or if the employer notifies the insurance carrier

in writing that the employer does not wish the insurance continued beyond the expiration date, or if the employer complies with the provisions of section 687 of this title, ~~on or before the expiration of the existing insurance or guarantee contract~~ then the policy will expire upon notice to the Commissioner.

Sec. 8. 2013 Acts and Resolves No. 75, Sec. 14 is amended as follows:

Sec. 14. UNIFIED PAIN MANAGEMENT SYSTEM ADVISORY COUNCIL

* * *

(b) The Unified Pain Management System Advisory Council shall consist of the following members:

* * *

(4) the Commissioner of Labor or designee;

(5) the Director of the Blueprint for Health or designee;

~~(5)~~(6) the Chair of the Board of Medical Practice or designee, who shall be a clinician;

~~(6)~~(7) a representative of the Vermont State Dental Society, who shall be a dentist;

~~(7)~~(8) a representative of the Vermont Board of Pharmacy, who shall be a pharmacist;

~~(8)~~(9) a faculty member of the academic detailing program at the University of Vermont's College of Medicine;

~~(9)~~(10) a faculty member of the University of Vermont's College of Medicine with expertise in the treatment of addiction or chronic pain management;

~~(10)~~(11) a representative of the Vermont Medical Society, who shall be a primary care clinician;

~~(11)~~(12) a representative of the American Academy of Family Physicians, Vermont chapter, who shall be a primary care clinician;

~~(12)~~(13) a representative from the Vermont Board of Osteopathic Physicians, who shall be an osteopath;

~~(13)~~(14) a representative of the Federally Qualified Health Centers, who shall be a primary care clinician selected by the Bi-State Primary Care Association;

~~(14)~~(15) a representative of the Vermont Ethics Network;

~~(15)~~(16) a representative of the Hospice and Palliative Care Council of Vermont;

- (16)(17) a representative of the Office of the Health Care Ombudsman;
- (17)(18) the Medical Director for the Department of Vermont Health Access;
- (18)(19) a clinician who works in the emergency department of a hospital, to be selected by the Vermont Association of Hospitals and Health Systems in consultation with any nonmember hospitals;
- (19)(20) a member of the Vermont Board of Nursing Subcommittee on APRN Practice, who shall be an advanced practice registered nurse;
- (20)(21) a representative from the Vermont Assembly of Home Health and Hospice Agencies;
- (21)(22) a psychologist licensed pursuant to 26 V.S.A. chapter 55 who has experience in treating chronic pain, to be selected by the Board of Psychological Examiners;
- (22)(23) a drug and alcohol abuse counselor licensed pursuant to 33 V.S.A. chapter 8, to be selected by the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs;
- (23)(24) a retail pharmacist, to be selected by the Vermont Pharmacists Association;
- (24)(25) an advanced practice registered nurse full-time faculty member from the University of Vermont's Department of Nursing; and
- (25)(26) a consumer representative who is either a consumer in recovery from prescription drug abuse or a consumer receiving medical treatment for chronic noncancer-related pain;
- (27) a clinician who specializes in occupational medicine;
- (28) a clinician who specializes in physical medicine and rehabilitation;
and
- (29) a consumer representative who is or has been an injured worker and has been prescribed opioids.

* * *

Sec. 9. 21 V.S.A. § 678 is amended to read:

§ 678. COSTS; ATTORNEY FEES

(a) Necessary costs of proceedings under this chapter, including deposition expenses, subpoena fees, and expert witness fees, shall be assessed by the ~~commissioner~~ Commissioner against the employer or its workers' compensation carrier when the claimant prevails. The ~~commissioner~~ Commissioner may allow the claimant to recover reasonable ~~attorney~~

attorney's fees when the claimant prevails. Costs shall not be taxed or allowed either party except as provided in this section.

(b) In appeals to the ~~superior or supreme courts~~ Superior or Supreme Court, if the claimant prevails, he or she shall be entitled to reasonable ~~attorney~~ attorney's fees as approved by the court Court, necessary costs, including deposition expenses, subpoena fees, and expert witness fees, and interest at the rate of 12 percent per annum on that portion of any award the payment of which is contested. Interest shall be computed from the date of the award of the ~~commissioner~~ Commissioner.

* * *

Sec. 10. 21 V.S.A. § 655 is amended to read:

§ 655. PROCEDURE IN OBTAINING COMPENSATION; MEDICAL EXAMINATION; VIDEO AND AUDIO RECORDING

After an injury and during the period of disability, if so requested by his or her employer, or ordered by the Commissioner, the employee shall submit to examination, at reasonable times and ~~places~~ within a 50-mile radius of the residence of the injured employee, by a duly licensed physician or surgeon designated and paid by the employer. The Commissioner may in his or her discretion permit an examination outside the 50-mile radius if it is necessary to obtain the services of a provider who specializes in the evaluation and treatment specific to the nature and extent of the employee's injury. The employee may make a video or audio recording of any examination performed by the insurer's physician or surgeon or have a licensed health care provider designated and paid by the employee present at the examination. The employer may make an audio recording of the examination. The right of the employee to record the examination shall not be construed to deny to the employer's physician the right to visit the injured employee at all reasonable times and under all reasonable conditions during total disability. If an employee refuses to submit to or in any way obstructs the examination, the employee's right to prosecute any proceeding under the provisions of this chapter shall be suspended until the refusal or obstruction ceases, and compensation shall not be payable for the period which the refusal or obstruction continues.

Sec. 11. 21 V.S.A. § 624 is amended to read:

§ 624. DUAL LIABILITY; CLAIMS, SETTLEMENT PROCEDURE

* * *

(e)(1) In an action to enforce the liability of a third party, the injured employee may recover any amount which the employee or the employee's personal representative would be entitled to recover in a civil action. Any

recovery against the third party for damages resulting from personal injuries or death only, after deducting expenses of recovery, shall first reimburse the employer or its workers' compensation insurance carrier for any amounts paid or payable under this chapter to date of recovery, and the balance shall forthwith be paid to the employee or the employee's dependents or personal representative and shall be treated as an advance payment by the employer on account of any future payment of compensation benefits. Reimbursement required under this subsection, except to prevent double recovery, shall not reduce the employee's recovery of any benefit or payment provided by a plan or policy that was privately purchased by the injured employee, including uninsured-under insured motorist coverage, or any other first party insurance payments or benefits.

(2) In an instance where the recovery amount is less than the full value of the claim for personal injuries or death, the employer or its workers' compensation insurance carrier shall be reimbursed less than the amount paid or payable under this chapter. Reimbursement shall be limited to the proportion which the recovery allowed in the previous subsection bears to the total recovery for all damages. In determining the full value of the claim for personal injuries or death, the Commissioner shall make that administrative determination by considering the same evidence that a Superior Court would consider in determining damages in a personal injury or wrongful death action, or the Commissioner may order that the valuation of the claim be determined by a single arbitrator, which shall be adopted as a decision of the Commissioner. An appeal from the Commissioner's decision shall be made pursuant to section 670 of this title, except that the action shall be tried to the presiding judge of the Superior Court.

* * *

Sec. 12. 21 V.S.A. § 663b is added to read:

§ 663b. FRAUD

(a) Claims of fraud submitted by an employer or insurance carrier shall be investigated by the Commissioner, and the Commissioner shall make a decision on the claim within 30 days of receipt of the claim. A party may appeal the decision of the Commissioner.

(b) An employee found to have committed fraud in order to receive compensation under this chapter shall be ordered to repay all compensation received. The employer shall not be charged for these payments when the employer's experience rating is determined.

Sec. 13. EFFECTIVE DATES

(a) This section and Secs. 3, 4, and 9–12 shall take effect on passage.

(b) Secs. 1, 2, and 5–8 shall take effect on July 1, 2014.

(For text see House Journal March 18, 19, 2014)

H. 646

An act relating to unemployment insurance

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 1, 21 V.S.A. § 342a, in subsection (a), after “a response”, by inserting to the specific allegation in the complaint filed by the employee or the Department

Second: In Sec. 9, by striking out the section in its entirety and inserting in lieu thereof three new sections to read:

Sec. 9. 21 V.S.A. § 1325 is amended to read:

§ 1325. EMPLOYERS’ EXPERIENCE-RATING RECORDS; DISCLOSURE TO SUCCESSOR ENTITY

(a)(1) The Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer’s experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:

* * *

(F) The individual voluntarily separated from that employer to accompany a spouse who is on active duty with the U.S. Armed Forces or who holds a commission in the foreign service of the United States and is assigned overseas as provided by section 1344(a)(2)(A) of this chapter.

* * *

Sec. 10. 21 V.S.A. § 1344 is amended to read:

§ 1344. DISQUALIFICATIONS

(a) An individual shall be disqualified for benefits:

* * *

(2) For any week benefits are claimed, except as provided in subdivision (a)(3) of this section, until he or she has presented evidence to the satisfaction of the Commissioner that he or she has performed services in employment for a bona fide employer and has had earnings in excess of six times his or her

weekly benefit amount if the Commissioner finds that such individual is unemployed because:

(A) He or she has left the employ of his or her last employing unit voluntarily without good cause attributable to such employing unit. An individual shall not suffer more than one disqualification by reason of such separation. However, an individual shall not be disqualified for benefits if the individual left such employment to accompany a spouse who is on active duty with the U.S. Armed Forces or who holds a commission in the foreign service of the United States and is assigned overseas and is required to relocate by the U.S. Armed Forces due to permanent change of station orders, activation orders, or unit deployment orders, and when such relocation would make it impractical or impossible, as determined by the Commissioner, for the individual to continue working for such employment unit.

* * *

Sec. 11. EFFECTIVE DATES

(a) This section and Sec. 4(h) (rulemaking for self-employment assistance program) shall take effect on passage.

(b) Secs. 1–3, 4(a)–(g) and (i), and 5–10 shall take effect on July 1, 2014.

(For text see House Journal March 19, 20, 2014)

H. 656

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

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 5, 26 V.S.A. § 1211 (definitions), in subsection (b) subdivision (4), after the words “directly authorized by the immediate family members”, by inserting the words or authorized person

Second: By striking out Sec. 7, 26 V.S.A. § 1256 (renewal of registration or license), in its entirety and inserting in lieu thereof the following: [Deleted.]

Third: In Sec. 9, 18 V.S.A. § 4201 (definitions), in subdivision (26) (definition of “prescription”), at the end of the subdivision following “If a prescription is communicated orally, it shall be reduced promptly to writing by the pharmacist.” by inserting Nothing in this subdivision is meant to authorize the oral communication of a prescription when a written prescription is otherwise required.

Fourth: By striking out Sec. 11 (amending 26 V.S.A. § 2022 (definitions)) in its entirety and inserting in lieu thereof the following: [Deleted.]

Fifth: In Sec. 12, 26 V.S.A. § 2042a (pharmacy technicians; qualifications for registration), by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) if required by rules adopted by the Board, be certified or eligible for certification by a national pharmacy technician certification authority; and

Sixth: By striking out Sec. 15, 26 V.S.A. § 2255 (fees), in its entirety and inserting in lieu thereof the following: [Deleted.]

Seventh: By striking out Sec. 22, 26 V.S.A. § 3010 (fees; licenses), in its entirety and inserting in lieu thereof the following: [Deleted.]

Eighth: By adding a new section to be numbered Sec. 25 to read as follows:

* * * Social Workers * * *

Sec. 25. 26 V.S.A. § 3205 is amended to read:

§ 3205. ELIGIBILITY

To be eligible for licensing as a clinical social worker, an applicant must have:

* * *

(3) ~~completed~~ Completed 3,000 hours of supervised practice of clinical social work as defined by rule under the supervision of a licensed physician or a licensed osteopathic physician who has completed a residency in psychiatry, a licensed psychologist, a licensed clinical mental health counselor, a person licensed or certified under this chapter, or a person licensed or certified in another state or Canada in one of these professions or their substantial equivalent. The supervisor must be licensed or certified in the jurisdiction where the supervised practice occurs. Persons engaged in post masters supervised practice in Vermont shall be entered on the roster of nonlicensed, noncertified psychotherapists;

* * *

Ninth: In Sec. 42 (amending 26 V.S.A. § 3319a (appraiser trainee registration)), by adding a new subsection to be subsection (d) to read as follows:

(d) Appraiser trainees registered with the Board as of July 1, 2013 and who continue on to satisfy the requirements specified by the AQB may become State licensed appraisers, notwithstanding the elimination of that license category.

Tenth: By adding a new section to be numbered Sec. 50a to read as follows:

* * * Motor Vehicle Racing * * *

Sec. 50a. 26 V.S.A. § 4811 is amended to read:

§ 4811. SAFETY STANDARDS

Minimum safety standards for the conduct of any race covered by this chapter are established as follows:

* * *

(3) Any driver shall have a legal operator's license. Any driver under the age of majority shall have the written consent of a parent or guardian. A person under 10 years of age shall not be allowed in the pit area.

* * *

(For text see House Journal March 18, 2014)

H. 728

An act relating to developmental services' system of care

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 204A is amended to read:

CHAPTER 204A. DEVELOPMENTAL DISABILITIES ACT

* * *

§ 8722. DEFINITIONS

As used in this chapter:

* * *

(2) "Developmental disability" means a severe, chronic disability of a person that is manifested before the person reaches ~~the age of 18 years of age~~ and results in:

(A) ~~mental retardation~~ intellectual disability, autism, or pervasive developmental disorder; and

(B) deficits in adaptive behavior at least two standard deviations below the mean for a normative comparison group.

* * *

§ 8723. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT LIVING; DUTIES

The ~~department~~ Department shall plan, coordinate, administer, monitor, and evaluate ~~state~~ State and federally funded services for people with developmental disabilities and their families within Vermont. The ~~department of disabilities, aging, and independent living~~ Department shall be responsible for coordinating the efforts of all agencies and services, government and private, on a statewide basis in order to promote and improve the lives of

individuals with developmental disabilities. Within the limits of available resources, the ~~department~~ Department shall:

(1) ~~Promote~~ promote the principles stated in section 8724 of this title and shall carry out all functions, powers, and duties required by this chapter by collaborating and consulting with people with developmental disabilities, their families, guardians, community resources, organizations, and people who provide services throughout the ~~state~~. State;

(2) ~~Develop and~~ develop, maintain, and monitor an equitably and efficiently allocated statewide system of community-based services that reflect the choices and needs of people with developmental disabilities and their families;

(3) ~~Acquire and~~ acquire, administer, and exercise fiscal oversight over funding for ~~these~~ community-based services ~~and identify needed resources and legislation, including the management of State contracts;~~

(4) identify resources and legislation needed to maintain a statewide system of community-based services;

(5) ~~Establish~~ establish a statewide procedure for applying for services;

(5)(6) ~~Facilitate~~ facilitate or provide pre-service or in-service training and technical assistance to service providers consistent with the system of care plan;

(6)(7) ~~Provide quality assessment and quality improvement support for the services provided throughout the state.~~ maintain a statewide system of quality assessment and assurance for services provided to people with developmental disabilities and provide quality improvement support to ensure that the principles of service in section 8724 of this title are achieved;

(7)(8) ~~Encourage~~ encourage the establishment and development of locally administered and locally controlled nonprofit services for people with developmental disabilities based on the specific needs of individuals and their families;

(8)(9) ~~Promote~~ promote and facilitate participation by people with developmental disabilities and their families in activities and choices that affect their lives and in designing services that reflect their unique needs, strengths, and cultural values;

(9)(10) ~~Promote~~ promote positive images and public awareness of people with developmental disabilities and their families;

(10)(11) ~~Certify~~ certify services that are paid for by the ~~department~~. Department; and

~~(11)~~(12) ~~Establish~~ establish a procedure for investigation and resolution of complaints regarding the availability, quality, and responsiveness of services provided throughout the ~~state~~ State.

* * *

§ 8725. SYSTEM OF CARE PLAN

(a) ~~No later than July 1, 1997, and every~~ Every three years ~~thereafter~~, the ~~department~~ Department shall adopt a plan for the nature, extent, allocation, and timing of services consistent with the principles of service set forth in section 8724 of this title that will be provided to people with developmental disabilities and their families. ~~Notwithstanding any other provision of law, it is not required that the plan be adopted pursuant to 3 V.S.A. chapter 25.~~ Each plan shall include the following categories, which shall be adopted by rule pursuant to 3 V.S.A. chapter 25:

- (1) priorities for continuation of existing programs or development of new programs;
- (2) criteria for receiving services or funding; ~~and~~
- (3) type of services provided; and
- (4) a process for evaluating and assessing the success of programs.

(b)(1) ~~Each plan shall be~~ The Commissioner shall determine plan priorities based upon:

(A) information obtained from people with developmental disabilities, their families, guardians, and people who provide the services ~~and shall include;~~

(B) a comprehensive needs assessment; that includes:

(i) demographic information about people with developmental disabilities;

(ii) information about existing services used by individuals and their families;

(iii) characteristics of unserved and ~~under served~~ underserved individuals and populations; and

(iv) the reasons for these gaps in service, and the varying community needs and resources.

(2) ~~The commissioner shall determine the priorities of the plan based on funds available to the department~~ Once the plan priorities are determined, the Commissioner shall consider funds available to the Department in allocating resources.

(c) ~~commissioner~~ Commissioner shall submit ~~the proposed plan~~ it to the ~~advisory board~~ Advisory Board, established in section 8733 of this title, for advice and recommendations, ~~except that the Commissioner shall submit those categories within the plan subject to 3 V.S.A. chapter 25 to the Advisory Board at least 30 days prior to filing the proposed plan in accordance with the Vermont Administrative Procedure Act. The Advisory Board shall provide the Commissioner with written comments on the proposed plan. It may also submit public comments pursuant to 3 V.S.A. chapter 25.~~

(d) The Commissioner may make annual revisions to the plan as deemed necessary in accordance with the process set forth in this section. The Commissioner shall submit any proposed revisions to the Advisory Board established in section 8733 of this title for comment within the time frame established by subsection (c) of this section.

(e) ~~The department~~ Notwithstanding 2 V.S.A. § 20(d), on or before January 15 of each year, the Department shall report annually to the governor Governor and the general assembly committees of jurisdiction regarding implementation of the plan and shall make annual revisions as needed, the extent to which the principles of service set forth in section 8724 of this title are achieved, and whether people with a developmental disability have any unmet service needs, including the number of people on waiting lists for developmental services.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(For text see House Journal March 20, 2014)

S. 208

An act relating to solid waste management

The Senate concurs in the House proposal of amendment thereto as follows::

First: In Sec. 2, 10 V.S.A. § 6605m, in subdivision (a)(1), by striking out “treated or painted wood” and inserting in lieu thereof plywood, and oriented strand board.

Second: By striking out Sec. 7a (Greenup Checkoff) in its entirety.

(For House Proposal of Amendment see House Journal April 30, 2014 Page 1580)

Committee of Conference Report

S. 234

An act relating to Medicaid coverage for home telemonitoring services

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate Bill entitled:

S. 234 An act relating to Medicaid coverage for home telemonitoring services

Respectfully report that they have met and considered the same and recommend that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 1901g is added to read:

§ 1901g. MEDICAID COVERAGE FOR HOME TELEMONITORING SERVICES

(a) The Agency of Human Services shall provide Medicaid coverage for home telemonitoring services performed by home health agencies or other qualified providers as defined by the Agency of Human Services for Medicaid beneficiaries who have serious or chronic medical conditions that can result in frequent or recurrent hospitalizations and emergency room admissions. Beginning on July 1, 2014, the Agency shall provide coverage for home telemonitoring for one or more conditions or risk factors for which it determines, using reliable data, that home telemonitoring services are appropriate and that coverage will be budget-neutral. The Agency may expand coverage to include additional conditions or risk factors identified using evidence-based best practices if the expanded coverage will remain budget-neutral or as funds become available.

(b) A home health agency or other qualified provider shall ensure that clinical information gathered by the home health agency or other qualified provider while providing home telemonitoring services is shared with the patient's treating health care professionals. The Agency of Human Services may impose other reasonable requirements on the use of home telemonitoring services.

(c) As used in this section:

(1) "Home health agency" means an entity that has received a certificate of need from the State to provide home health services and is certified to provide services pursuant to 42 U.S.C. § 1395x(o).

(2) “Home telemonitoring service” means a health service that requires scheduled remote monitoring of data related to a patient’s health, in conjunction with a home health plan of care, and access to the data by a home health agency or other qualified provider as defined by the Agency of Human Services.

Sec. 2. GRANT FUNDING

The Department of Vermont Health Access and home health agencies shall seek to maximize opportunities for grant funding to offset start-up, equipment, technology, maintenance, and other costs related to home telemonitoring in order to minimize the expense to the Medicaid program.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

Rep. Christopher A. Pearson

Rep. Douglas Gage

Rep. Anne T. O'Brien

Committee on the part of the House

Sen. Anthony Pollina

Sen. Virginia V. Lyons

Sen. Claire D. Ayer

Committee on the part of the Senate

Ordered to Lie

S. 91

An act relating to privatization of public schools.

Pending Question: Shall the House propose to the Senate to amend the bill as offered by Rep. Turner of Milton?