

Journal of the Senate

THURSDAY, MARCH 28, 2013

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 34

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

Mr. President:

I am directed to inform the Senate that:

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

J.R.S. 21. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The House has considered Senate proposal of amendment to the following House resolution:

J.R.H. 1. Joint resolution relating to the history and legacy of the Vermont State Hospital and the preservation of its cemetery.

And has severally concurred therein.

Bill Amended; Third Reading Ordered

S. 27.

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

An act relating to respectful language in the Vermont Statutes Annotated.

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

Sec. 1. PURPOSE AND INTENT

(a) For the purpose of reversing demeaning stereotypes, changing negative attitudes, and cultivating a culture of respect toward persons with disabilities.

the General Assembly seeks to replace offensive statutory terms with language that recognizes persons as opposed to their disabilities.

(b) Notwithstanding Secs. 7, 7a, 222, and 223, nothing in this act shall be construed to alter the substance or effect of existing law or judicial precedent. Changes in terminology made in this act are merely meant to reflect evolving attitudes toward persons with disabilities.

Sec. 2. 1 V.S.A. § 120 is amended to read:

§ 120. INSANE PERSON

“Insane person” shall include every idiot, non compos, lunatic and distracted any person incapacitated by reason of mental disability.

Sec. 2a. 1 V.S.A. § 145 is added to read:

§ 145. DEVELOPMENTAL DISABILITY

“Developmental disability” or “person with developmental disabilities” shall have the same meaning as in 18 V.S.A. § 9302.

Sec. 2b. 1 V.S.A. § 146 is added to read:

§ 146. INTELLECTUAL DISABILITY

“Intellectual disability” or “person with an intellectual disability” shall mean an individual who has significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior. “Intellectual disability” replaces what was previously known as “mental retardation.”

Sec. 2c. 1 V.S.A. § 147 is added to read:

§ 147. PSYCHIATRIC DISABILITY

“Psychiatric disability” means an impairment of thought, mood, perception, orientation, or memory that limits one or more major life activities but does not include intellectual disability.

Sec. 3. 1 V.S.A. chapter 5, subchapter 5 is amended to read:

Subchapter 5. Interpreters for Judicial, Administrative, and Legislative
Proceedings

§ 331. DEFINITIONS

As used in this subchapter:

(1) “Deaf Person who is deaf or hard of hearing person” means any person who has such difficulty hearing, even with amplification, that he or she cannot rely on hearing for communication.

* * *

(3) “Qualified interpreter” means an interpreter for a person who is deaf or hard of hearing ~~person~~ who meets standards of competency established by the national or Vermont Registry of Interpreters for the Deaf as amended, by rule, by the Vermont ~~commission of the deaf and hearing impaired~~ Commission of the Deaf and Hard of Hearing.

§ 332. RIGHT TO INTERPRETER; ASSISTIVE LISTENING EQUIPMENT

(a) Any person who is deaf or hard of hearing ~~person~~ who is a party or witness in any proceeding shall be entitled to be provided with a qualified interpreter for the duration of the person’s participation in the proceeding.

(b) Any person who is deaf or hard of hearing ~~person~~ shall be entitled to be provided with a qualified interpreter upon five working days’ notice that the person has reasonable need to do any of the following:

(1) Transact business with any state board or agency.

(2) Participate in any state-sponsored activity, including public hearings, conferences, and public meetings.

(3) Participate in any official state legislative activities.

(c) If a person who is deaf or hard of hearing ~~person~~ is unable to use or understand sign language, the presiding officer or state board or agency or state legislative official shall, upon five working days’ notice, make available appropriate assistive listening equipment for use during the proceeding or activity.

§ 333. APPOINTMENT OF INTERPRETER

(a) The presiding officer in a proceeding shall appoint an interpreter after making a preliminary determination that the interpreter is able to readily communicate with the person who is deaf or hard of hearing ~~person~~, to accurately interpret statements or communications from the person who is deaf or hard of hearing ~~person~~, and to interpret the proceedings to the person who is deaf or hard of hearing ~~person~~.

* * *

§ 336. RULES; INFORMATION; LIST OF INTERPRETERS

(a) The Vermont ~~commission of the deaf and hearing impaired~~ Commission of the Deaf and Hard of Hearing shall, by rule, establish factors to be considered by the presiding officer under section 333 of this title before appointing an interpreter who is not a qualified interpreter. Such factors shall encourage the widest availability of interpreters in Vermont while at the same time ensuring that the interpreter:

(1) is able to communicate readily with the person who is deaf or hard of hearing ~~person~~;

(2) is able to interpret accurately statements or communications by the person who is deaf or hard of hearing ~~person~~;

(3) is able to interpret the proceedings to the person who is deaf or hard of hearing ~~person~~;

(4) shall maintain confidentiality;

(5) shall be impartial with respect to the outcome of the proceeding;

(6) shall not exert any influence over the person who is deaf or hard of hearing ~~person~~; and

(7) shall not accept assignments the interpreter does not feel competent to handle.

* * *

§ 337. REVIEW

(a) A decision, order, or judgment of a court or administrative agency may be reversed on appeal if the court or agency finds that a person who is deaf or hard of hearing ~~person~~ who was a party or a witness in the proceeding was deprived of an opportunity to communicate effectively, and that the deprivation was prejudicial.

* * *

§ 338. ADMISSIONS; CONFESSIONS

(a) An admission or confession by a person who is deaf or hard of hearing ~~person~~ made to a law enforcement officer or any other person having a prosecutorial function may only be used against the person in a criminal proceeding if:

(1) The admission or confession was made knowingly, voluntarily, and intelligently and is not subject to alternative interpretations resulting from the person's habits and patterns of communication.

(2) The admission or confession, if made during a custodial interrogation, was made after reasonable steps were taken, including ~~but not limited to~~ the appointment of a qualified interpreter, to ensure that the defendant understood his or her constitutional rights.

(b) The provisions of subsection (a) of this section supplement the constitutional rights of the person who is deaf or hard of hearing ~~person~~.

§ 339. COMMUNICATIONS MADE TO INTERPRETERS; PROHIBITION ON DISCLOSURE

(a) An interpreter, whether or not the interpreter is a qualified interpreter, shall not disclose or testify to:

(1) a communication made by a person to an interpreter acting in his or her capacity as an interpreter for a person who is deaf or hard of hearing ~~person~~ or a person with limited English proficiency; or

(2) any information obtained by the interpreter while acting in his or her capacity as an interpreter for a person who is deaf or hard of hearing ~~person~~ or a person with limited English proficiency.

(b) There is no prohibition on disclosure under this section if the services of the interpreter were sought or obtained to enable or aid anyone to commit or plan to commit what the person who is deaf or hard of hearing ~~person~~ or the person with limited English proficiency knew or reasonably should have known to be a crime or fraud.

* * *

Sec. 4. 1 V.S.A. chapter 21, subchapter 2 is amended to read:

Subchapter 2. Interchange of State Employees

* * *

§ 824. STATUS OF EMPLOYEES OF THIS STATE

* * *

(c) Any employee who participates in an exchange under the terms of this section who ~~suffers~~ has a disability or ~~death~~ dies as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, shall be treated, for the purposes of the sending agency's employee compensation program, as an employee, as defined in the law creating that program, who has sustained the injury in the performance of his or her duty, but shall not receive benefits under that law for any period for which he or she is entitled to and elects to receive similar benefits under the receiving agency's employee compensation program.

* * *

§ 826. STATUS OF EMPLOYEES OF OTHER GOVERNMENTS

* * *

(d) Any employee of a sending agency assigned in this ~~state~~ State who ~~suffers~~ has a disability or ~~death~~ dies as a result of personal injury arising out of and in the course of that assignment, or sustained in the performance of duties

in connection therewith, shall be treated for the purpose of receiving agency's employee compensation program, as an employee, as defined in its law, who has sustained the injury in the performance of that duty, but shall not receive benefits under that law for any period for which he or she elects to receive similar benefits as an employee under the sending agency's employee compensation program.

* * *

Sec. 5. 3 V.S.A. § 128(a) is amended to read:

(a) Any hospital, clinic, community mental health center, or other health care institution in which a licensee performs professional services shall report to the appropriate board, along with supporting information and evidence, any disciplinary action taken by it or its staff, after an initial investigation or hearing in which the licensee has been afforded the opportunity to participate, which limits or conditions the licensee's privilege to practice or leads to suspension or expulsion from the institution. The report shall be made within ten days of the date ~~such~~ the disciplinary action was taken, regardless of whether the action is the subject of a pending appeal, and in the case of a licensee who is employed by, or under contract with, a community mental health center, a copy of the report shall also be sent to the ~~commissioner of mental health and mental retardation~~ Commissioners of Mental Health and of Disabilities, Aging, and Independent Living. This section shall not apply to cases of resignation, separation from service, or changes in privileges which are unrelated to:

* * *

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

§ 309a. EMPLOYMENT OF THE HANDICAPPED PERSONS WITH DISABILITIES

(a) The ~~commissioner~~ Commissioner shall adopt rules under chapter 25 of this title in consultation with appropriate vocational rehabilitation agencies, interested private associations and organizations, and interested individuals to establish procedures on the employment of ~~the handicapped persons with disabilities~~.

(b) Rules adopted by the ~~commissioner~~ Commissioner shall allow flexibility with respect to hiring ~~handicapped persons with a disability~~. The ~~commissioner~~ Commissioner may require certification by the ~~commissioner of the department of disabilities, aging, and independent living~~ Commissioner of Disabilities, Aging, and Independent Living to accompany the usual application for employment. The ~~commissioner of the department of~~

~~disabilities, aging, and independent living~~ Commissioner of Disabilities, Aging, and Independent Living shall indicate in its certification that:

(1) the applicant is physically qualified to do the work without hazard to himself or herself or others; and

(2) the applicant is competent to maintain himself or herself in a work environment.

(c) The ~~commissioner~~ Commissioner, in ~~the commissioner's~~ his or her discretion, may waive qualifications which exclude a ~~handicapped~~ person with a disability who is otherwise qualified. A waiver may apply to competitive entrance examinations, provisions relating to previous experience, or any other requirement for qualification. A waiver is to be used for equal access to employment, not for an advantage.

Sec. 7. 3 V.S.A. § 833 is amended to read:

§ 833. STYLE OF RULES

(a) Rules and procedures shall be written in a clear and coherent manner using words with common and everyday meanings, consistent with the text of the rule or procedure.

(b)(1) When an agency proposes to amend an existing rule, it shall replace terms identified as potentially disrespectful by the study produced in accordance with 2012 Acts and Resolves No. 24, Sec. 1 with respectful language recommended therein or used in the Vermont Statutes Annotated, where appropriate.

(2) All new rules adopted by agencies shall use, to the fullest extent possible, respectful language consistent with the Vermont Statutes Annotated and the respectful language study produced in accordance with 2012 Acts and Resolves No. 24, Sec. 1, where appropriate.

Sec. 7a. 3 V.S.A. § 2002 is amended to read:

§ 2002. EXECUTIVE ORDERS

(a) The ~~governor~~ Governor may propose by executive order changes in the organization of the ~~executive branch~~ Executive Branch of government which are not consistent with or will supersede existing organization provided for by law. The executive order shall be submitted to both houses of the ~~general assembly~~ General Assembly.

(b) An executive order issued under this chapter shall be presented to the ~~general assembly~~ General Assembly not later than January 15th of the year in which the ~~general assembly~~ General Assembly sits. The executive order shall become effective unless disapproved by resolution of either house of the

~~general assembly~~ General Assembly within 90 days, or before final adjournment of that annual session, whichever comes first.

(c) Executive orders which become effective under this chapter shall be printed with the session laws and published as an appendix to the Vermont Statutes Annotated.

(d)(1) Notwithstanding subsections (a) and (b) of this section, the Governor may revise existing executive orders to use respectful language consistent with Vermont Statutes Annotated and the respectful language study produced in accordance with 2012 Acts and Resolves No. 24, Sec. 1. The authority pertains only to nonsubstantive revisions using respectful language and does not confer authority to make other changes.

(2) All new executive orders proposed by the Governor shall use, to the fullest extent possible, respectful language consistent with the Vermont Statutes Annotated and the respectful language study produced in accordance with 2012 Acts and Resolves No. 24, Sec. 1, where appropriate.

Sec. 8. 3 V.S.A. § 3002(b) is amended to read:

(b) The following units are attached to the agency for administrative support:

(1) Vermont ~~veterans' home~~ Veterans' Home.

(2) Governor's ~~committee on children and youth~~ Committee on Children and Youth.

(3) Interdepartmental ~~council on aging~~ Council on Aging.

(4)-(17) [Repealed.]

(18) Governor's ~~committee on employment of the handicapped~~ Committee on Employment of People with Disabilities.

(19) [Repealed.]

(20) [Repealed.]

Sec. 9. 3 V.S.A. § 3026(a) is amended to read:

(a) The ~~secretary of human services~~ Secretary of Human Services, the ~~commissioner of education~~ Secretary of Education, and the ~~president~~ President of the University of Vermont shall establish a research partnership to study and make recommendations for improving the effectiveness of state and local health, human services, and education programs. Critical program outcomes relating to the well-being of Vermonters that should be addressed by the research partnership may include, ~~without limitation~~, the following:

* * *

(8) ~~Elders~~ People who are elderly and people with disabilities live with dignity and independence in settings they prefer.

* * *

Sec. 10. 3 V.S.A. § 3085b(f) is amended to read:

(f) The ~~commission~~ Commission shall advise state agencies on matters of state policy relating to Alzheimer's disease and other dementia-related disorders in Vermont for both the public and private sectors. The ~~commission~~ Commission shall:

* * *

(3) Review or participate in the development of laws, rules, and other governmental initiatives which may affect individuals with Alzheimer's disease and other dementia-related disorders, and their families. This may include participation in the development of rules and procedures related to ~~No. 160 of the Acts of the 1995 Adj. Sess. (1996)~~ 1996 Acts and Resolves No. 160, Medicare and Medicaid, nursing and residential care facilities, adult day centers, special care units, and all community-based services to ~~elders~~ persons who are elderly.

* * *

Sec. 11. 4 V.S.A. § 33 is amended to read:

§ 33. JURISDICTION; FAMILY DIVISION

Notwithstanding any other provision of law to the contrary, the family division shall have exclusive jurisdiction to hear and dispose of the following proceedings filed or pending on or after October 1, 1990:

* * *

(10) All ~~protective~~ guardianship services proceedings for ~~developmentally disabled~~ persons proceedings with developmental disabilities filed pursuant to 18 V.S.A. chapter 215 of Title 18.

* * *

(13) All care for ~~mentally retarded~~ persons with developmental disabilities proceedings filed pursuant to 18 V.S.A. chapter 206 of Title 18.

* * *

Sec. 12. 4 V.S.A. § 36(a) is amended to read:

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

* * *

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

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

(i) 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 ~~protective~~ guardianship services proceedings for ~~developmentally disabled persons proceedings with developmental disabilities~~ filed pursuant to 18 V.S.A. chapter 215 ~~of Title 18~~.

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

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

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

(vi) All proceedings specifically within the jurisdiction of the office of magistrate.

* * *

Sec. 13. 4 V.S.A. § 311a is amended to read:

§ 311a. VENUE GENERALLY

For proceedings authorized to the ~~probate division of superior court~~ Probate Division of Superior Court, venue shall lie as provided in Title 14A for the administration of trusts, and otherwise in a probate district as follows:

* * *

(7) Appointment of a guardian of a person resident in this state:

~~(A)~~ in the district where the ~~ward~~ person under guardianship resides at the time of appointment; ~~2~~ except

~~(B)~~ when the guardian is appointed for a minor who is interested in a decedent’s estate as an heir, devisee, or legatee or representative of either, in the district where the decedent’s estate is being probated.

* * *

(9) Termination or modification of a guardianship or change of a guardian:

(A) in the district of the appointing court; or

(B) in the district where the ~~ward~~ person under guardianship resides.

* * *

(12) Appointment of a guardian as to the estate of a nonresident subject to guardianship in this state or under guardianship in another state: in any district where the estate of the ~~nonresident ward~~ nonresident under guardianship or prospective ward person who may need a guardian is situated.

(13) Change of residential placement for a ~~ward~~ person under total or limited guardianship:

(A) in the district of the appointing court; or

(B) in the district where the ~~ward~~ person under guardianship resides.

* * *

(17) Adoption:

(A) if the adopting person or persons are residents of this state, in the district where they reside; or

(B) if the adopting person or persons are nonresidents, in a court of competent jurisdiction where they reside; or

(C) if the prospective adoptee is a minor who has been relinquished or committed to the ~~department of social and rehabilitation services~~ Department for Children and Families or a licensed child placing agency, in the district where the ~~department~~ Department or agency is located or has its principal office.

* * *

(25) Petition for license to convey homestead interest of ~~an insane a~~ spouse who lacks capacity to protect his or her interests due to a psychiatric disability: in the district where the homestead is situated.

(26) Declaratory judgments (unless otherwise provided in Title 14A for proceedings relating to the administration of trusts):

(A) if any related proceeding is then pending in any probate division of the superior court, in that district;

(B) if no proceeding is pending:

(i) in the district where the petitioner resides; or

(ii) if a decedent's estate, a guardian or ~~ward~~ person under guardianship, or trust governed by Title 14 is the subject of the proceeding, in any district where venue lies for a proceeding thereon.

* * *

Sec. 14. 5 V.S.A. § 3529 is amended to read:

§ 3529. WHEN OWNER IS AN INFANT, ~~MENTAL DEFECTIVE OR INSANE~~ OR HAS AN INTELLECTUAL OR PSYCHIATRIC DISABILITY

When the owner of the land or estate is an infant, ~~mental defective or insane~~ or lacks capacity to protect his or her interests due to an intellectual or psychiatric disability, or does not reside in this ~~state~~ State, or is not known, the corporation shall cause the damages sustained by the owner to be determined in the manner heretofore described, and shall pay the same to the lawful owner when demanded, with interest thereon. Such damages and interest shall be a specific lien upon the real estate of such corporation, and be preferred before any other demand against such corporation.

Sec. 15. 6 V.S.A. § 2777(d) is amended to read:

(d) Unpasteurized milk shall conform to the following production and marketing standards:

* * *

(2) Labeling. Unpasteurized (raw) milk shall be labeled as such, and the label shall contain:

* * *

(E) The words "This product has not been pasteurized and therefore may contain harmful bacteria that can cause illness particularly in children, ~~the persons who are~~ persons who are elderly, and persons with weakened immune systems and in pregnant women can cause illness, miscarriage, or fetal death, or death of a newborn." on the container's principal display panel and clearly readable in letters at least one-sixteenth inch in height.

* * *

(4) Customer inspection and notification.

* * *

(B) A sign with the words "Unpasteurized (Raw) Milk. Not pasteurized. Keep Refrigerated." and "This product has not been pasteurized and therefore may contain harmful bacteria that can cause illness particularly in children, ~~the persons who are~~ persons who are elderly, and persons with weakened immune systems and in pregnant women can cause illness, miscarriage, or fetal death,

or death of a newborn.” shall be displayed prominently on the farm in a place where it can be easily seen by customers. The lettering shall be at least one inch in height and shall be clearly readable.

Sec. 16. 8 V.S.A. § 3835(3) is amended to read:

(3) “Chronically ill” means:

(A) being unable to perform at least two activities of daily living, including eating, toileting, transferring, bathing, dressing, or continence;

(B) requiring substantial supervision to protect the individual from threats to health and safety due to ~~severe cognitive impairment~~ intellectual disability; or

(C) having a level of disability similar to that described in subdivision (A) of this subdivision (3) as determined by the appropriate administrator of a state or federal public disability insurance or benefit program.

Sec. 17. 8 V.S.A. § 4080f(a) is amended to read:

(a) As used in this section:

* * *

(3) “Chronic care” means health services provided by a health care professional for an established clinical condition that is expected to last a year or more and that requires ongoing clinical management attempting to restore the individual to highest function, minimize the negative effects of the condition, and prevent complications related to chronic conditions. Examples of chronic conditions include diabetes, hypertension, cardiovascular disease, cancer, asthma, pulmonary disease, substance abuse, mental ~~illness~~ condition or psychiatric disability, spinal cord injury, and hyperlipidemia.

* * *

(8) “Primary care” means health services provided by health care professionals, including naturopathic physicians licensed pursuant to 26 V.S.A. chapter 81, who are specifically trained for and skilled in first-contact and continuing care for individuals with signs, symptoms, or health concerns, not limited by problem origin, organ system, or diagnosis, and shall include prenatal care and the treatment of mental ~~illness~~ condition or psychiatric disability.

* * *

Sec. 18. 8 V.S.A. § 4088i(c) is amended to read:

(c) A health insurance plan shall not impose greater coinsurance, co-payment, deductible, or other cost-sharing requirements for coverage of the diagnosis or treatment of early childhood developmental disorders than apply to the diagnosis and treatment of any other physical or mental ~~health~~ condition under the plan.

Sec. 19. 8 V.S.A. § 4089b is amended to read:

§ 4089b. HEALTH INSURANCE COVERAGE, MENTAL HEALTH, AND SUBSTANCE ABUSE

(a) It is the goal of the ~~general assembly~~ General Assembly that treatment for mental ~~health~~ conditions be recognized as an integral component of health care, that health insurance plans cover all necessary and appropriate medical services without imposing practices that create barriers to receiving appropriate care, and that integration of health care be recognized as the standard for care in this ~~state~~ State.

(b) As used in this section:

* * *

(2) “Mental ~~health~~ condition” means any condition or disorder involving ~~mental illness~~ psychiatric disabilities or alcohol or substance ~~abuse~~ use that falls under any of the diagnostic categories listed in the mental disorders section of the international classification of disease, as periodically revised.

* * *

(c) A health insurance plan shall provide coverage for treatment of a mental ~~health~~ condition and shall:

(1) not establish any rate, term, or condition that places a greater burden on an insured for access to treatment for a mental ~~health~~ condition than for access to treatment for other health conditions;

* * *

(3) make any deductible or out-of-pocket limits required under a health insurance plan comprehensive for coverage of both mental ~~health~~ and physical health conditions.

(d)(1)(A) A health insurance plan that does not otherwise provide for management of care under the plan, or that does not provide for the same degree of management of care for all health conditions, may provide coverage for treatment of mental ~~health~~ conditions through a managed care organization, provided that the managed care organization is in compliance with the rules adopted by the ~~commissioner~~ Commissioner that assure that the system for

delivery of treatment for mental ~~health~~ conditions does not diminish or negate the purpose of this section. In reviewing rates and forms pursuant to section 4062 of this title, the ~~commissioner~~ Commissioner shall consider the compliance of the policy with the provisions of this section.

(B) The rules adopted by the ~~commissioner~~ Commissioner shall ~~assure~~ ensure that:

* * *

(vi) the health insurance plan is consistent with the Blueprint for Health with respect to mental ~~health~~ conditions, as determined by the ~~commissioner~~ Commissioner under 18 V.S.A. § 9414(b)(2);

(vii) a quality improvement project is completed annually as a joint project between the health insurance plan and its mental health managed care organization to implement policies and incentives to increase collaboration among providers that will facilitate clinical integration of services for medical and mental ~~health~~ conditions, including:

(I) evidence of how data collected from the quality improvement project are being used to inform the practices, policies, and future direction of care management programs for mental ~~health~~ conditions; and

(II) demonstration of how the quality improvement project is supporting the incorporation of best practices and evidence-based guidelines into the utilization review of mental ~~health~~ conditions;

* * *

(C) Prior to the adoption of rules pursuant to this subdivision, the ~~commissioner~~ Commissioner shall consult with the ~~commissioner of mental health~~ Commissioner of Mental Health and the task force established pursuant to subsection (h) of this section concerning:

(i) developing incentives and other measures addressing the availability of providers of care and treatment for mental ~~health~~ conditions, especially in medically underserved areas;

(ii) incorporating nationally recognized best practices and evidence-based guidelines into the utilization review of mental ~~health~~ conditions; and

(iii) establishing benefit design, infrastructure support, and payment methodology standards for evaluating the health insurance plan's consistency with the Blueprint for Health with respect to the care and treatment of mental ~~health~~ conditions.

(2) A managed care organization providing or administering coverage for treatment of mental ~~health~~ conditions on behalf of a health insurance plan shall comply with this section, sections 4089a and 4724 of this title, and 18 V.S.A. § 9414, with rules adopted pursuant to those provisions of law, and with all other obligations, under Title 18 and under this title, of the health insurance plan and the health insurer on behalf of which the review agent is providing or administering coverage. A violation of any provision of this section shall constitute an unfair act or practice in the business of insurance in violation of section 4723 of this title.

(3) A health insurer that contracts with a managed care organization to provide or administer coverage for treatment of mental ~~health~~ conditions is fully responsible for the acts and omissions of the managed care organization, including any violations of this section or a rule adopted pursuant to this section.

* * *

(f) To be eligible for coverage under this section, the service shall be rendered:

(1) For treatment of a mental illness condition:

(A) by a licensed or certified mental health professional; or

(B) in a mental health facility qualified pursuant to rules adopted by the ~~secretary of human services~~ Secretary of Human Services or in an institution, approved by the ~~secretary of human services~~ Secretary of Human Services, that provides a program for the treatment of a mental ~~health~~ condition pursuant to a written plan. A nonprofit hospital or a medical service corporation may require a mental health facility or licensed or certified mental health professional to enter into a contract as a condition of providing benefits.

* * *

(g) On or before July 15 of each year, health insurance companies doing business in Vermont whose individual share of the ~~commercially insured~~ commercially insured Vermont market, as measured by covered lives, comprises at least five percent of the ~~commercially insured~~ commercially insured Vermont market, shall file with the ~~commissioner~~ Commissioner, in accordance with standards, procedures, and forms approved by the ~~commissioner~~ Commissioner:

(1) A report card on the health insurance plan's performance in relation to quality measures for the care, treatment, and treatment options of mental ~~health~~ and substance abuse conditions covered under the plan, pursuant to standards and procedures adopted by the ~~commissioner~~ Commissioner by rule,

and without duplicating any reporting required of such companies pursuant to Rule H-2009-03 of the ~~division of health care administration~~ Division of Health Care Administration and regulation 95-2, "Mental Health Review Agents," of the ~~division of insurance~~ Division of Insurance, as amended, including:

* * *

(F) the rates of readmission to inpatient mental health and substance abuse care and treatment for insureds with a mental ~~health~~ condition;

* * *

(2) The health insurance plan's revenue loss and expense ratio relating to the care and treatment of mental ~~health~~ conditions covered under the health insurance plan. The expense ratio report shall list amounts paid in claims for services and administrative costs separately. A managed care organization providing or administering coverage for treatment of mental ~~health~~ conditions on behalf of a health insurance plan shall comply with the minimum loss ratio requirements pursuant to the Patient Protection and Affordable Care Act of 2010, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, applicable to the underlying health insurance plan with which the managed care organization has contracted to provide or administer such services. The health insurance plan shall also bear responsibility for ensuring the managed care organization's compliance with the minimum loss ratio requirement pursuant to this subdivision.

(h) [Repealed.]

Sec. 19a. 8 V.S.A. § 4089b(c) is amended to read:

(c) A health insurance plan shall provide coverage for treatment of a mental ~~health~~ condition and shall:

(1) not establish any rate, term, or condition that places a greater burden on an insured for access to treatment for a mental condition than for access to treatment for other health conditions, including no greater co-payment for primary mental health care or services than the co-payment applicable to care or services provided by a primary care provider under an insured's policy and no greater co-payment for specialty mental health care or services than the co-payment applicable to care or services provided by a specialist provider under an insured's policy;

* * *

Sec. 20. 8 V.S.A. § 4100i is amended to read:

§ 4100i. ANESTHESIA COVERAGE FOR CERTAIN DENTAL PROCEDURES

(a) A health insurance plan shall provide coverage for the hospital or ambulatory surgical center charges and administration of general anesthesia administered by a licensed anesthesiologist or certified registered nurse anesthetist for dental procedures performed on a covered person who is:

* * *

(2) a child 12 years of age or younger with documented phobias or a documented mental ~~illness~~ condition or psychiatric disability, as determined by a physician licensed pursuant to 26 V.S.A. chapter 23 ~~of Title 26~~ or by a licensed mental health professional, whose dental needs are sufficiently complex and urgent that delaying or deferring treatment can be expected to result in infection, loss of teeth, or other increased oral or dental morbidity; for whom a successful result cannot be expected from dental care provided under local anesthesia; and for whom a superior result can be expected from dental care provided under general anesthesia; or

* * *

(f) As used in this section:

* * *

(5) “Licensed mental health professional” means a licensed physician, psychologist, social worker, mental health counselor, or nurse with professional training, experience, and demonstrated competence in the treatment of a mental illness condition or psychiatric disability.

Sec. 21. 8 V.S.A. § 5101(4) is amended to read:

(4) “Health care services” means physician, hospitalization, laboratory, x-ray service, and medical equipment and supplies, which may include ~~but are not limited to:~~ medical, surgical, and dental care; psychological, obstetrical, osteopathic, optometric, optic, podiatric, chiropractic, nursing, physical therapy services, and pharmaceutical services; health education; preventive medical, rehabilitative, and home health services; inpatient and outpatient hospital services, extended care, nursing home care, convalescent institutional care, laboratory and ambulance services, appliances, drugs, medicines, and supplies; and any other care, service, or treatment of disease or conditions, ~~correction of defects~~, or the maintenance of the physical and mental well-being of members;

Sec. 22. [Deleted.]

Sec. 23. 8 V.S.A. § 8085(b) is amended to read:

(b) No long-term care insurance policy may:

* * *

(4) deny benefits or coverage on the basis that the need for services arises from a mental ~~health~~ condition or Alzheimer's disease and related disorders;

* * *

Sec. 24. 8 V.S.A. § 10403 is amended to read:

§ 10403. PROHIBITION ON DISCRIMINATION BASED ON SEX, MARITAL STATUS, RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, SEXUAL ORIENTATION, GENDER IDENTITY, OR ~~HANDICAPPING CONDITION~~ DISABILITY

(a) No financial institution shall discriminate against any applicant for credit services on the basis of the sex, marital status, race, color, religion, national origin, age, sexual orientation, gender identity, or ~~handicapping condition~~ disability of the applicant, provided the applicant has the legal capacity to contract.

* * *

(c) Definitions. As used in this section:

* * *

(6) "~~Handicapping condition~~ Disability" applied to an applicant means a ~~handicapped individual~~ person with a disability as defined in 21 V.S.A. § 495d(5). ~~For the purposes of~~ As used in this section, an applicant with a ~~handicapping condition~~ disability does not include an alcoholic or drug abuser who, by reason of current alcohol or drug use, constitutes an unacceptable credit risk.

* * *

Sec. 25. 8 V.S.A. § 10501 is amended to read:

§ 10501. BASIC BANKING

It is the public policy of this ~~state~~ State to promote the economic viability and prosperity of its residents and to promote, attract and encourage savings. The ~~legislature~~ General Assembly finds and declares that access to basic banking services for basic depository transactions is necessary for the payment of monthly expenses and for the encouragement of thrift by Vermont consumers. The ~~legislature~~ General Assembly further finds and declares that reasonable cost basic banking services promote savings on the part of

consumers who are young, elderly and , or have low income consumers, and ~~provides~~ provide, through means of payment by check, draft, negotiable order of withdrawal, or similar instrument, a viable alternative for cash transactions which is essential to all Vermont consumers. Therefore, it is the purpose of this chapter to ensure that basic banking services remain available to all Vermont consumers.

Sec. 26. 9 V.S.A. § 41c(a) is amended to read:

(a) As used in this section:

(1) “Assistive device” means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized, that is used or designed to be used to increase, maintain, or improve any functional capability of an individual with disabilities. An assistive device system, that as a whole is within the definition of this term, is itself an assistive device, and, in such cases, this term also applies to each component product of the assistive device system that is itself ordinarily an assistive device. This term includes, ~~but is not limited to:~~

* * *

(D) hearing aids, telephone communication devices for ~~the deaf~~ people who are deaf, and other assistive listening devices;

* * *

Sec. 27. 9 V.S.A. § 2362 is amended to read:

§ 2362. PROHIBITION ON DISCRIMINATION BASED ON SEX, SEXUAL ORIENTATION, GENDER IDENTITY, MARITAL STATUS, RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, OR HANDICAPPING CONDITION DISABILITY

No seller shall discriminate against any buyer or prospective buyer who desires to establish a retail installment contract because of the sex, sexual orientation, gender identity, marital status, race, color, religion, national origin, age, or ~~handicapping condition~~ disability of the buyer.

Sec. 28. 9 V.S.A. § 2388 is amended to read:

§ 2388. PROHIBITION ON DISCRIMINATION BASED ON SEX, SEXUAL ORIENTATION, GENDER IDENTITY, MARITAL STATUS, RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, OR HANDICAPPING CONDITION DISABILITY

No person shall discriminate against any lessee or prospective lessee who has entered into an agricultural finance lease, or who desires to enter into an agricultural finance lease, because of the sex, sexual orientation, gender

identity, marital status, race, color, religion, national origin, age, or ~~handicapping condition~~ disability of the lessee.

Sec. 29. 9 V.S.A. § 2410 is amended to read:

§ 2410. PROHIBITION ON DISCRIMINATION BASED ON SEX, SEXUAL ORIENTATION, GENDER IDENTITY, MARITAL STATUS, RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, OR ~~HANDICAPPING CONDITION~~ DISABILITY

No seller shall discriminate against any buyer or prospective buyer who desires to establish a retail installment contract or retail charge agreement because of the sex, sexual orientation, gender identity, marital status, race, color, religion, national origin, age, or ~~handicapping condition~~ disability of the buyer.

Sec. 30. 9 V.S.A. § 4110a is amended to read:

§ 4110a. GASOLINE SERVICE TO ~~DISABLED~~ PERSONS WITH A DISABILITY

(a) Every full-service gasoline station offering self-service pumping at a lesser cost and every self-service gasoline station, when requested by a motor vehicle operator with a disability who has been issued a ~~handicapped registration~~ plate or parking card for persons with disabilities under the provisions of 23 V.S.A. § 304a or under the laws of any other state, shall require an attendant employed by the station to dispense gasoline at the self-service cost to the operator with a disability. Gasoline stations shall prominently display the international symbol of disability access to notify patrons of the availability of this service.

(b) Self-service gas stations or convenience stores which are operated by a single employee shall be exempt from the provisions of subsection (a) of this section.

(c) ~~The commissioner of motor vehicles~~ Commissioner of Motor Vehicles shall provide notice of the provisions of this section to each person who is issued a ~~handicapped parking card or registration plate or parking card for persons with disabilities~~ and to each person who operates a gasoline station or other facility which offers gasoline or other motor vehicle fuel for sale to the public.

(d) Failure to comply with the provisions of this subsection, related to providing gas pumping services, is a violation of 9 V.S.A. § 4502.

Sec. 31. 9 V.S.A. § 4501 is amended to read:

§ 4501. DEFINITIONS

As used in this chapter:

* * *

(2) “~~Handicap~~” or “~~disability~~ Disability,” with respect to an individual, means:

(A) a physical or mental impairment which limits one or more major life activities;

(B) a history or record of such an impairment; or

(C) being regarded as having such an impairment.

(3) “Physical or mental impairment” means:

(A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; or endocrine;

(B) any mental or psychological disorder, such as ~~mental retardation~~ intellectual disability, organic brain syndrome, emotional or ~~mental illness~~ mental condition, and specific learning disabilities;

(C) The term “physical or mental impairment” includes ~~but is not limited to such~~ diseases and conditions such as orthopedic, visual, speech, and deafness or being hard of hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation intellectual disability, emotional illness disturbance, and drug addiction and alcoholism. ~~A handicapped~~ An individual with a disability does not include any individual who is an alcoholic or drug abuser who, by reason of current alcohol or drug use, constitutes a direct threat to property or safety of others.

* * *

(7) “Auxiliary aids and services” mean the following:

(A) Qualified interpreters, notetakers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices and systems, hearing aid compatible telephones, closed caption decoders, open and closed captioning telecommunications devices for ~~deaf~~ persons who are deaf, videotext displays or other effective methods of making aurally delivered materials available to individuals with hearing impairments.

(B) Qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.

(C) Modification of equipment or devices.

(D) Other similar services and actions.

* * *

Sec. 32. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

(a) It shall be unlawful for any person:

(1) To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or other real estate to any person because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or ~~handicap~~ disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance.

(2) To discriminate against, or to harass any person in the terms, conditions, or privileges of the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection therewith, because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or ~~handicap~~ disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling or other real estate that indicates any preference, limitation, or discrimination based on race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or ~~handicap~~ disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance.

(4) To represent to any person because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or ~~handicap~~ disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, that any dwelling or other real estate is not available for inspection, sale, or rental when the dwelling or real estate is in fact so available.

* * *

(6) To discriminate against any person in the making or purchasing of loans or providing other financial assistance for ~~real-estate-related~~ real-estate-related transactions or in the selling, brokering, or appraising of residential real property, because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or ~~handicap~~ disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance.

(7) To engage in blockbusting practices, for profit, which may include inducing or attempting to induce a person to sell or rent a dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or ~~handicap~~ disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance.

(8) To deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or ~~handicap~~ disability of a person, or because a person is a recipient of public assistance.

(9) To discriminate in the sale or rental of a dwelling because a person relies upon aids such as attendants, specially trained animals, wheelchairs, or similar appliances or devices but the owner shall not be required to modify or alter the building in any way in order to comply with this chapter. An owner shall permit, at the expense of the ~~handicapped~~ person with a disability, reasonable modifications of existing premises occupied or to be occupied by the ~~handicapped~~ person with a disability if the modifications are necessary to afford the person full enjoyment of the premises. The owner may, if reasonable, require the person to agree to restore the premises to the condition that existed before the modification, reasonable wear and tear excepted, but the owner may not require an additional security deposit for this purpose.

(10) To refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a ~~handicapped~~ person with a disability equal opportunity to use and enjoy a dwelling unit, including public and common areas.

* * *

(b) The provisions of subsection (a) of this section with respect to discrimination in sales and rentals of dwellings on the basis of age or on the basis of a person's intention to occupy with one or more minor children shall not apply to the sale or rental of a dwelling in a housing complex:

* * *

(3) established under any federal or state program specifically designed and operated to assist ~~elderly~~ persons who are elderly, as defined in the federal or state program.

* * *

Sec. 33. 10 V.S.A. § 490(c) is amended to read:

(c) When the signs at one location are too numerous, or when highway safety requires for other reasons, as determined by the ~~travel information council~~ Travel Information Council, the signs may be removed and the applicant business given the option to purchase advertising plaques on information plazas, located and designed so that drivers of motor vehicles may leave the main traffic lanes and inspect them. Information plazas may contain maps and other information, depending on space availability, and may have telephone and other information facilities attached to them. Sign plazas shall include the international symbol to indicate that ~~handicapped~~ gasoline service is available to people with disabilities. The ~~agency of commerce and community development~~ Agency of Commerce and Community Development shall be responsible for the costs of installing new information plazas and for the installation of advertising plaques on state-owned information plazas, provided that the ~~secretary of commerce and community development~~, Secretary of Commerce and Community Development or his or her designee, gives prior approval for such costs and installation. If it is not practical to install information plazas or individual official business directional signs at any given location, because of the number of signs or because of traffic conditions, the ~~travel information council~~ Travel Information Council may in its discretion adopt some alternative method for providing information conveniently for travelers, including directions to zones or other geographic areas, and locally operated information booths and offices, or multi-facility official business directional signs, or both.

Sec. 34. 10 V.S.A. § 601(14) is amended to read:

(14) "Residential housing" means residential housing units designed primarily to provide principal dwelling accommodations whether on a permanent or temporary basis for persons or families, which may include the land and improvements thereon and such nonhousing facilities or services considered necessary or convenient or part of a community development plan

by the ~~agency~~ Agency in connection with the residential housing, including commercial enterprises and government functions within the same building. "Residential housing" includes, ~~but is not limited to,~~ single or multi-family dwellings, congregate homes, residential care homes as defined in 33 V.S.A. § 7102, nursing homes, transitional housing, emergency shelters for the homeless or displaced, mobile homes, single room occupancy dwellings, and group homes for ~~the mentally ill or developmentally disabled~~ persons with psychiatric or developmental disabilities. "Residential housing" also means cooperative interests, and mobile home parks as defined in section 6201 of this title.

Sec. 35. 10 V.S.A. § 622(7) is amended to read:

(7) To purchase, make, or otherwise participate in the making, to enter into commitments, for the purchase, making, or participation in the making, of eligible loans for rehabilitation to persons and families of low and moderate income, and to owners of existing residential housing for occupancy by those persons and families, for the rehabilitation of existing residential housing owned by them. The loans may be insured or uninsured and shall be made with such security as the agency considers advisable. They may be made in amounts sufficient to refinance existing indebtedness secured by the property, if the refinancing is determined by the agency to be necessary to permit the owner to meet his or her housing costs without expending an unreasonable portion of his or her income on it. A loan for rehabilitation shall not be made unless the agency determines that the loan is to be used primarily to make the housing more desirable to live in, to increase the market value of the housing, to comply with building, housing maintenance, fire, health, or similar codes and standards applicable to housing, to accomplish energy conservation related improvements, or to ~~insure~~ ensure independent living for persons who are ~~handicapped or elderly or have a disability~~.

Sec. 36. 10 V.S.A. § 4001(30) is amended to read:

(30) ~~Paraplegic~~ Person with paraplegia: a person who ~~suffers from~~ has permanent paralysis of the lower half of the body with involvement of both legs, or a person who ~~suffers from the loss of~~ is missing both lower extremities.

Sec. 37. 10 V.S.A. § 4255(c) is amended to read:

(c) A permanent or free license may be secured on application to the department by a person qualifying as follows:

* * *

(2) A person who is legally blind ~~person~~ who is a Vermont resident may receive a free permanent fishing license upon submittal of proper proof of

blindness as the ~~commissioner~~ Commissioner shall require. A person who is legally blind ~~person~~ who is a resident in a state which provides a reciprocal privilege for Vermont residents may receive a free one-year fishing license.

(3) A ~~paraplegic~~ person with paraplegia as defined in subdivision 4001(30) of this title who is a Vermont resident may receive a free permanent fishing license or, if the person qualifies for a hunting license, a free combination hunting and fishing license. A ~~paraplegic~~ person with paraplegia who is a resident of a state which provides a reciprocal privilege for Vermont residents may receive a free one-year fishing license, or if the person qualifies for a hunting license, a free one-year combination fishing and hunting license.

* * *

(5) A ~~special-olympian~~ person participating in a fishing tournament for special-olympics Special Olympics may receive a free fishing license valid for that event.

Sec. 38. 10 V.S.A. § 4705(e) is amended to read:

(e) Subsection (a) of this section shall not apply to a licensed hunter ~~who is a paraplegic with paraplegia~~ or who is certified by a physician to be unable to pursue game because of permanent severe physical disability, if he or she obtains a permit as provided in this subsection. The ~~commissioner~~ Commissioner on receipt of satisfactory proof of the disability of an applicant may issue a permit under this subsection. This permit shall be attached to the license, and shall remain in effect until the death of the holder, unless the ~~commissioner~~ Commissioner has reason to believe the permit is misused. The holder of the permit shall carry it at all times while hunting, and shall produce it on demand for inspection by any game warden or other law enforcement officer authorized to make arrests. The holder of the permit may take game from a vehicle or boat but only if it is stationary and off of a public highway. In no event shall the holder of a permit shoot across the traveled portion of a public highway.

Sec. 39. 10 V.S.A. § 4715(e) is amended to read:

(e) A person who is physically ~~impaired~~ disabled to the degree that he or she cannot operate a device allowed for taking of game under Vermont law may obtain a permit to take game in Vermont with a device which is in the immediate vicinity of the permittee and which the permittee operates using remote-control technology other than the Internet. A person applying for this permit shall personally appear before the ~~commissioner~~ Commissioner or the ~~commissioner's~~ Commissioner's designee and submit certification from a licensed physician describing the person's limitations. The ~~commissioner~~ Commissioner may obtain a second medical opinion to verify the disability.

Upon satisfactory proof of the disability, the ~~commissioner~~ Commissioner may issue a permit describing the device and method the person may use to take game. The ~~commissioner~~ Commissioner shall require that the permittee be accompanied while hunting by a person who is licensed to hunt in Vermont unless the permittee can demonstrate that he or she is able to track injured game and to retrieve and care for a carcass. If the permit is not intended to be a permanent permit, it shall state the date on which the permit expires. The permit shall be attached to the hunting license, and the holder shall carry it at all times while hunting and produce it on demand for inspection by any fish and wildlife warden or other law enforcement officer.

Sec. 40. 11 V.S.A. § 3075 is amended to read:

§ 3075. POWER OF ESTATE OF DECEASED OR INCOMPETENT MEMBER WHO IS INCOMPETENT

* * *

Sec. 41. 11 V.S.A. § 3465 is amended to read:

§ 3465. POWER OF ESTATE OF DECEASED OR INCOMPETENT PARTNER WHO IS INCOMPETENT

* * *

Sec. 42. 11A V.S.A. § 1.40(12) is amended to read:

(12) "Individual" includes the estate of an individual who is incompetent or deceased individual.

Sec. 43. 11B V.S.A. § 1.40(19) is amended to read:

(19) "Individual" includes the estate of an ~~incompetent~~ individual who is incompetent.

Sec. 44. [Deleted.]

Sec. 45. 12 V.S.A. § 551 is amended to read:

§ 551. MINORITY, ~~INSANITY~~ INCAPACITY, OR IMPRISONMENT

(a) When a person entitled to bring an action specified in this chapter is a minor, ~~insane~~ lacks capacity to protect his or her interests due to a mental condition or psychiatric disability, or is imprisoned at the time the cause of action accrues, such person may bring such action within the times in this chapter respectively limited, after the disability is removed.

(b) If a person entitled to bring an action specified in this chapter becomes ~~insane~~ unable to protect his or her interests due to a mental condition or psychiatric disability after the cause of action accrues but before the statute has run, the time during which the person is ~~insane~~ unable to protect his or her

interests due to a mental condition or psychiatric disability shall not be taken as a part of the time limited for the commencement of the action.

Sec. 46. 12 V.S.A. § 1602 is amended to read:

§ 1602. WHEN ONE PARTY IS DEAD OR ~~INSANE~~ LACKS CAPACITY TO TESTIFY DUE TO A MENTAL CONDITION OR PSYCHIATRIC DISABILITY

A party shall not be allowed to testify in his or her own favor where the other party to the contract or cause of action in issue and on trial is dead or shown to the court to ~~be insane~~ lack capacity to testify due to a mental condition or psychiatric disability, except as follows:

(1) To meet or explain the testimony of living witnesses produced against him or her;

(2) To meet the testimony of such deceased or ~~insane~~ party who lacks capacity to testify due to a mental condition or psychiatric disability upon a question upon which his or her testimony has been taken in writing or by a stenographer in open court to be used in such action and is admitted as evidence therein;

(3) In any action in which the estate of such deceased or ~~insane~~ party who lacks capacity to testify due to a mental condition or psychiatric disability or his or her grantee or assignee is a party, entries in a cash or account book showing the receipt or payment of money in due course of business, made by such party prior to his or her death or ~~insanity~~ incapacity to testify and before any controversy arose respecting the transaction to which such entries relate, may be admitted in evidence as tending to show the facts therein recited to be true. The adverse party in such action may meet the evidence of such entries by any proper evidence;

* * *

Sec. 47. 12 V.S.A. § 2497 is amended to read:

§ 2497. LIMITATION OF TIME FOR PROCEEDINGS IN CERTIORARI

Proceedings in certiorari shall be commenced within one year after the rendition of the judgment or order to review which ~~such~~ proceedings are commenced. If a person entitled to bring ~~such~~ proceedings is, at the time ~~such~~ the judgment or order is rendered, a minor, or ~~insane~~ a person who lacks capacity to protect his or her interests due to a mental condition or psychiatric disability, or imprisoned, he or she may bring them within one year after the disability is removed.

Sec. 48. 12 V.S.A. § 4714 is amended to read:

§ 4714. FIDUCIARIES; EXECUTORS

A person interested as or through an executor, administrator, trustee, guardian, or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust, in the administration of a trust, or of the estate of a decedent, an infant, ~~lunatic, or insolvent~~ a person lacking mental capacity, or a person without financial resources, may have a declaration of rights or legal relations in respect thereto;

(1) To ascertain any class of creditors, devisees, legatees, heirs, next of kin, or others; or

(2) To direct the executors, administrators, or trustees to do or abstain from doing any particular act in their fiduciary capacity; or

(3) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings.

Sec. 49. 12 V.S.A. § 5187 is amended to read:

§ 5187. COMMISSIONER DISQUALIFIED, OTHERS MAY ACT

When a commissioner appointed under this chapter dies, becomes ~~insane~~ unable to perform his or her duties due to a mental condition or psychiatric disability, removes from the ~~state~~ State, or becomes otherwise disqualified to act, the survivors may exercise the powers granted to the whole number.

Sec. 50. 13 V.S.A. § 1024(d) is amended to read:

(d) Subdivision (a)(5) of this section shall not apply if the person threatened to use the deadly weapon:

(1) In the just and necessary defense of his or her own life or the life of his or her husband, wife, civil union partner, parent, child, brother, sister, guardian, or ~~ward~~ person under guardianship;

(2) In the suppression of a person attempting to commit murder, sexual assault, aggravated sexual assault, burglary, or robbery; or

(3) In the case of a civil or military officer lawfully called out to suppress a riot or rebellion, prevent or suppress an invasion, or assist in serving legal process, in suppressing opposition against him or her in the just and necessary discharge of his or her duty.

Sec. 51. 13 V.S.A. chapter 25 is amended to read:

CHAPTER 25. CHILDREN AND ~~INCOMPETENT~~ PERSONS WHO ARE
INCOMPETENT

* * *

§ 1306. ~~MISTREATMENT OF PERSONS OF UNSOUND MIND~~ MISTREATMENT OF PERSONS WITH
IMPAIRED COGNITIVE FUNCTION

A person who ~~wilfully~~ willfully and maliciously teases, plagues, annoys, angers, irritates, maltreats, worries, or excites ~~another of unsound or feeble mind~~ a person with an intellectual or psychiatric disability or impaired cognitive function shall be imprisoned not more than one year or fined not more than \$100.00 nor less than \$5.00, or both.

* * *

Sec. 52. [Deleted.]

Sec. 53. 13 V.S.A. § 1455 is amended to read:

§ 1455. HATE-MOTIVATED CRIMES

A person who commits, causes to be committed, or attempts to commit any crime and whose conduct is maliciously motivated by the victim's actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the ~~armed forces of the United States~~ U.S. Armed Forces, ~~handicap~~ disability as defined by 21 V.S.A. § 495d(5), sexual orientation or gender identity shall be subject to the following penalties:

* * *

Sec. 54. 13 V.S.A. § 1458(6) is amended to read:

(6) "Protected category" includes race, color, religion, national origin, sex, ancestry, age, service in the ~~armed forces of the United States~~ U.S. Armed Forces, ~~handicap~~ disability as defined by 21 V.S.A. § 495d(5), sexual orientation, and gender identity, and perceived membership in any such group.

Sec. 55. [Deleted.]

Sec. 56. 13 V.S.A. § 2406(a) is amended to read:

(a) A person commits the crime of unlawful restraint in the second degree if the person:

(1) not being a relative of a person under the age of 18, knowingly takes, entices, or harbors that person, without the consent of the person's custodian, knowing that he or she has no right to do so; or

(2) knowingly takes or entices from lawful custody or harbors any ~~mentally incompetent~~ person who is mentally incompetent, or other person entrusted by authority of law to the custody of another person or an institution, without the consent of the person or institution, knowing that he or she has no right to do so; or

(3) knowingly restrains another person.

Sec. 57. 13 V.S.A. § 3254(2) is amended to read:

(2) A person shall be deemed to have acted without the consent of the other person where the actor:

(A) Knows that the other person is mentally incapable of understanding the nature of the sexual act or lewd and lascivious conduct; or

(B) Knows that the other person is not physically capable of resisting, or declining consent to, the sexual act or lewd and lascivious conduct; or

(C) Knows that the other person is unaware that a sexual act or lewd and lascivious conduct is being committed; or

(D) Knows that the other person is mentally incapable of resisting, or declining consent to, the sexual act or lewd and lascivious conduct, due to ~~mental illness or mental retardation~~ a mental condition or a psychiatric or developmental disability as defined in ~~section 14 V.S.A. § 3061 of Title 14.~~

Sec. 58. 13 V.S.A. chapter 157 is amended to read:

CHAPTER 157. INSANITY AS A DEFENSE

* * *

§ 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~~ Commissioner of Mental Health or the ~~commissioner of disabilities, aging, and independent living~~ 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 with a mental illness~~ shall be as provided in 18 V.S.A. chapter 181 of Title 18. Procedures for hearings for persons ~~who are mentally retarded with an intellectual disability~~ shall be as provided in 18 V.S.A. chapter 206, subchapter 3 of chapter 206 of Title 18.

§ 4822. FINDINGS AND ORDER; ~~MENTALLY ILL PERSONS WITH A~~ MENTAL ILLNESS

(a) If the court finds that such 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 shall issue an order of commitment directed to the ~~commissioner of developmental and mental health services~~ Commissioner of Mental Health, which shall admit the person to the care and custody of the ~~department of developmental and mental health services~~ 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 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~~ Commissioner of Mental Health shall give notice ~~thereof~~ of the discharge to the committing court and 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~~ 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~~ 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~~ Commissioner, the 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 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 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.

§ 4823. FINDINGS AND ORDER; PERSONS WITH MENTAL RETARDATION AN INTELLECTUAL DISABILITY

* * *

Sec. 59. 13 V.S.A. § 5301(4) is amended to read:

(4) “Victim” means a person who sustains physical, emotional, or financial injury or death as a direct result of the commission or attempted commission of a crime or act of delinquency and shall also include the family members of a minor, a person who has been found to be incompetent, or a homicide victim.

Sec. 60. [Deleted.]

Sec. 61. [Deleted.]

Sec. 62. 14 V.S.A. § 204 is amended to read:

§ 204. DEFINITIONS

~~Whenever~~ As used in this title:

(1) “Interested person” includes heirs, devisees, legatees, children, spouses, creditors, beneficiaries, and any others having a property right in or claim against a trust estate or the estate of a decedent, or ~~ward~~ person under guardianship which may be affected by the proceeding. It also includes persons having priority for appointment as executor or administrator, and other fiduciaries representing interested persons. The parties at commencement of a probate proceeding shall include all interested persons. The meaning as it relates to particular persons may vary from time to time and shall be determined by the rules of probate procedure.

(2) “Fiduciary” includes executor, administrator, special administrator, trustee, conservator, guardian of a minor, guardian of a spendthrift, voluntary guardian of ~~an infirm~~ a person who has an infirmity and total or limited guardian of ~~a mentally disabled~~ an adult with a developmental disability, but excludes one who is merely a guardian ad litem.

* * *

Sec. 63. 14 V.S.A. § 2305 is amended to read:

§ 2305. TRUSTEES OF ABSENT PERSONS-DEFINITION

For the purposes of sections 2306–2310 of this title, an absent person is defined as one having a domicile, property, or evidences of property in this ~~state~~ State who suddenly or mysteriously disappears under such circumstances as to satisfy the ~~probate division of the superior court~~ Probate Division of the Superior Court of the proper district that there is reasonable ground to believe that he or she is lost, ~~insane or~~ dead, or lacks capacity due to a mental condition or psychiatric disability, or is one who, having a domicile, property, or evidences of property in this ~~state~~ State, remains beyond the sea or absents himself or herself in this ~~state~~ State or elsewhere and is unheard of for three years.

Sec. 64. 14 V.S.A. § 3003 is amended to read:

§ 3003. PARENT MAY MOVE FOR GUARDIAN'S REMOVAL; NOTICE

When, by reason of the ~~incompetency~~ incapacity or unsuitableness of a parent to have the custody and education of a minor child, another person has been appointed guardian of the minor, the parent may, at any time, file a motion for the removal of the guardian. The court shall schedule a hearing and notice shall be given as provided by the ~~rules of probate procedure~~ Rules of Probate Procedure.

Sec. 65. 14 V.S.A. § 3096(a) is amended to read:

(a) The ~~office of public guardian~~ Office of Public Guardian may provide assistance to private guardians:

(1) To help them understand ~~their ward's~~ the disabilities of the person under guardianship.

(2) To help them foster increased independence on the part of ~~their ward~~ the person under guardianship.

(3) With the preparation and revision of guardianship plans and reports.

(4) On ways to secure rights, benefits, and services to which ~~their wards~~ the persons under guardianship are entitled.

Sec. 66. 15 V.S.A. § 291(a) is amended to read:

(a) When a married person without just cause fails to furnish suitable support for that person's spouse, or has deserted such spouse, or when a married person, for a justifiable cause, is actually living apart from such spouse, on the complaint of either married person, or, if the deserted spouse is ~~insane~~ has a mental condition or psychiatric disability, on the complaint of a guardian or next friend, the superior court, by its order, may prohibit either

spouse from imposing restraint on the other's personal liberty for such time as the court in such order directs, or until further order.

Sec. 67. 15 V.S.A. § 512 is amended to read:

§ 512. VOIDABLE CIVIL MARRIAGES-GROUNDS FOR ANNULMENT GENERALLY

The civil marriage contract may be annulled when, at the time of marriage, either party had not attained the age of 16 years or was ~~an idiot or lunatic or~~ physically or mentally incapable of entering into the civil marriage state or when the consent of either party was obtained by force or fraud.

Sec. 68. 15 V.S.A. § 514 is amended to read:

§ 514. PARTY AN IDIOT OR LUNATIC IS MENTALLY INCAPABLE OF ENTERING INTO CIVIL MARRIAGE

(a) When a civil marriage is sought to be annulled on the ground of ~~the idiocy of one of the parties~~ parties' mental incapability to enter into the civil marriage, it may be declared void on the complaint of a relative of such ~~idiot person~~ person at any time during the life of either of the parties.

(b) When a civil marriage is sought to be annulled on the ground of ~~the lunacy of one of the parties~~ parties' mental incapability to enter into the civil marriage, on the complaint of a relative of the ~~lunatic person~~ person, such marriage may be declared void during the continuance of such ~~lunacy~~ mental incapacity, or after the death of the ~~lunatic person who is mentally incapacitated~~ person who is mentally incapacitated in that condition and during the lifetime of the other party to the marriage.

(c) The civil marriage of a ~~lunatic person who is mentally incapacitated~~ person who is mentally incapacitated may be declared void upon the complaint of a ~~lunatic~~ person after restoration to ~~reason~~ health, but a decree of nullity shall not be pronounced if the parties freely cohabited as ~~husband and wife after the lunatic was restored to sound mind~~ spouses after the spouse who was mentally incapacitated had restored capacity.

(d) If an action is not prosecuted by a relative, the civil marriage of ~~an idiot or a lunatic~~ a person who is mentally incapacitated may be annulled during the lifetime of both the parties to the marriage, on the complaint of a person admitted by the court to prosecute as the next friend of such ~~idiot or lunatic person who is mentally incapacitated~~ person who is mentally incapacitated.

(e) The word "~~lunatic~~" phrases "mentally incapacitated," "incapacitated," "mental incapacity," "mentally incapable," "mental incapability," and other similar phrases as used in sections 511-514 of this title shall extend only to persons ~~of unsound mind other than idiots~~ who have a severe psychiatric, cognitive, or other severe mental disability.

Sec. 69. 15 V.S.A. § 551 is amended to read:

§ 551. GROUNDS FOR DIVORCE FROM BOND OF MATRIMONY

A divorce from the bond of matrimony may be decreed:

* * *

(6) On the ground of ~~incurable insanity~~ permanent incapacity due to a mental condition or psychiatric disability of either party, as provided for in sections 631-637 of this title;

* * *

Sec. 70. 15 V.S.A. chapter 11, subchapter 3 is amended to read:

Subchapter 3. Proceedings Generally

* * *

Article 2. Divorce on Ground of ~~Insanity~~ Mental Incapacity

§ 631. GENERALLY

A divorce may be granted forthwith when either ~~husband or wife~~ spouse has become ~~incurably insane~~ permanently incapacitated due to a mental condition or psychiatric disability. A divorce shall not be granted under these provisions unless such ~~insane~~ person who is permanently incapacitated due to a mental condition or psychiatric disability shall have been duly and regularly confined in a ~~mental institution~~ psychiatric hospital, wherever located, for at least five years next preceding the commencement of the action for divorce, nor unless it shall appear to the court that such ~~insanity~~ mental condition or psychiatric disability is ~~incurable~~ permanent. No action shall be maintained under the provisions hereof unless the libellant is an actual resident of this ~~state~~ State and shall have resided therein for two years next preceding the commencement of such action.

§ 632. JURISDICTION; GUARDIAN AD LITEM FOR ~~INSANE~~ LIBELEEE WITH A MENTAL INCAPACITY

The superior courts of the several counties of this ~~state~~ State shall have jurisdiction of such an action. Upon the filing by the plaintiff of a complaint, duly verified, showing that such cause of action exists, a superior judge shall appoint some person to act as guardian ad litem of such ~~insane~~ person with a mental incapacity in such action. The complaint and summons in such action shall be served upon the defendant by delivering a copy thereof to such guardian and another to the state's attorney of the county in which such action is brought.

* * *

§ 634. ALIMONY; DISTRIBUTION OF PROPERTY; CARE AND CUSTODY OF CHILDREN

(a) In actions brought for the cause of ~~insanity~~ mental incapacity, the courts and the judges thereof shall possess all the powers relative to the payment of alimony, the distribution of property, and the care and custody of the children of the parties, that such courts now have, or may hereafter have, in other actions for divorce.

* * *

(c) No order shall be made providing for continued support of a ~~sane~~ spouse without a mental condition or psychiatric disability from the estate of ~~an insane~~ a spouse with a mental condition or psychiatric disability after the remarriage of the ~~sane~~ spouse who does not have a mental condition or a psychiatric disability.

§ 635. SUPPORT OF DEFENDANT

(a) At the time of granting a divorce on the grounds of ~~incurable insanity~~ a permanent mental condition or psychiatric disability or any time thereafter, on motion of either party, or of the guardian of the ~~insane~~ spouse with a mental condition or psychiatric disability, or of any other person, town, or municipality charged with the support of the ~~insane~~ spouse with a mental condition or psychiatric disability, the court may make such orders requiring support of the defendant or security for such support as may be proper.

(b) An order for the support of the ~~insane~~ party with a mental condition or psychiatric disability shall be enforceable in the same manner as orders relating to alimony.

(c) On motion of either party or of the guardian of the ~~insane~~ spouse with a mental condition or psychiatric disability, or of any person, town, or municipality charged with the support of such defendant, an order relating to such support may be reviewed and altered at any time thereafter in such manner as to the court may seem just and proper.

§ 636. FILING CERTIFIED COPIES OF ORDERS WITH COURT WHICH COMMITTED ~~INSANE~~ PARTY WITH A MENTAL CONDITION OR PSYCHIATRIC DISABILITY

If the ~~insane~~ party with a mental condition or psychiatric disability was committed by a court of competent jurisdiction, ~~then~~ the clerk of the court shall file ~~with such court which committed such insane party~~ a certified copy of all orders entered in proceedings brought under these provisions.

* * *

Sec. 71. 15 V.S.A. § 1173(a) is amended to read:

(a) The council shall consist of the following members to be appointed as follows:

(1) To be appointed by the ~~governor~~ Governor:

(A) one member of the public who shall be a survivor of domestic violence;

(B) a representative from the same-sex domestic violence service provider community;

(C) a representative from the service provider community for people who are deaf and disability service provider community or have disabilities;

(D) a representative from the ~~department of state's attorneys~~ Department of State's Attorneys and Sheriffs' Association;

(E) a prosecutor from one of the STOP Domestic Violence units;

(F) a member of the Vermont clergy;

(G) one member of the public representing the interests of children exposed to domestic violence.

* * *

Sec. 72. 15A V.S.A. § 1-101 is amended to read:

§ 1-101. DEFINITIONS

~~In~~ As used in this title:

* * *

(5) "Child with special needs" means a child with a special factor or condition, including ethnic background, age, membership in a minority or sibling group, medical condition, or physical, mental, or emotional ~~handicap~~ disability, because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption or medical assistance.

* * *

(7) "Department" means the ~~department of social and rehabilitation services~~ Department for Children and Families.

* * *

Sec. 73. 15A V.S.A. § 2-105(a) is amended to read:

(a) Before placing a minor for adoption, a parent or agency placing the minor shall provide in writing to the prospective adoptive parent all of the

following nonidentifying information that is reasonably available from the parents, relatives or guardian of the minor, the agency, any person who has had physical custody of the minor for 30 days or more, or any person who has provided health, psychological, educational or similar services to the minor:

- (1) a social and health history of the minor, including:

* * *

(E) any physical, sexual, or emotional abuse known to have been ~~suffered~~ experienced by the minor;

* * *

Sec. 74. 15A V.S.A. § 3-201(a) is amended to read:

(a) In a proceeding under this title which may result in the termination of a relationship of parent and child, the court shall appoint an attorney for any person who is indigent, a minor, or incompetent ~~person~~ who appears in the proceeding and whose parental relationship to a child may be terminated, unless the court finds that the minor or ~~incompetent~~ person who is incompetent has sufficient financial means to hire an attorney, or the ~~indigent~~ person who is indigent declines to be represented by an attorney.

Sec. 75. 15A V.S.A. § 4-107 is amended to read:

§ 4-107. PETITION TO ADOPT

A petition by a stepparent to adopt a minor stepchild shall be signed and verified by the petitioner and contain the following information or state why any of the information is not contained in the petition:

* * *

(2) the current marital status of the petitioner, including the date and place of marriage, the name and date and place of birth of the petitioner's spouse, and, if the spouse is deceased, the date, place, and cause of death and, if the spouse is found to be incompetent, the date on which a court declared the spouse incompetent;

* * *

Sec. 76. 15A V.S.A. § 5-109 is amended to read:

§ 5-109. ADOPTION OF AN ~~INCOMPETENT~~ ADULT WHO IS INCOMPETENT

* * *

Sec. 77. 16 V.S.A. § 1166(b) is amended to read:

(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school which at a minimum shall include:

* * *

(2) A provision that the superintendent or principal, with the approval of the school board following opportunity for a hearing, shall expel from the school for not less than one calendar year any student who brings a firearm to or possesses a firearm at school. However, the school board may modify the expulsion on a ~~case-by-case~~ case-by-case basis. Modifications may be granted in circumstances such as ~~but not limited to:~~

(A) The pupil is unaware that he or she has brought a firearm to or possessed a firearm at school.

(B) The pupil did not intend to use the firearm to threaten or endanger others.

(C) The pupil ~~is disabled~~ has a disability and the misconduct is related to the pupil's disability.

(D) The pupil does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the pupil.

Sec. 78. 16 V.S.A. § 2942(4) is amended to read:

(4) "Federal law" means the ~~Education of the Handicapped Act, codified at~~ Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400-1485, and its implementing regulations, as amended from time to time.

Sec. 79. 16 V.S.A. § 2967(b) is amended to read:

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

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

(2) costs for services for ~~the~~ persons who are visually impaired and ~~hearing impaired~~ persons who are deaf or hard of hearing;

(3) costs for the interdisciplinary team program;

(4) costs for regional specialists in multiple disabilities;

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

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

Sec. 80. 16 V.S.A. § 3851(c) is amended to read:

(c) "Eligible institution" means any:

* * *

(5) ~~any:~~

(A) nonprofit hospital as defined in 18 V.S.A. § 1902;

(B) nonprofit institution whose purpose is devoted primarily to the maintenance and operation of diagnostic and therapeutic facilities for medical, surgical, or psychiatric care of ambulatory patients;

(C) nonprofit licensed nursing home; or

(D) nonprofit assisted living facility, nonprofit continuing care retirement facility, nonprofit residential care facility, or similar nonprofit facility for the continuing care of ~~the persons who are~~ elderly or ~~the infirm infirmed~~, provided that such facility is owned by or under common ownership with an otherwise eligible institution, and in the case of facilities to be financed for an eligible institution provided by this subdivision (5) of this subsection, for which the ~~department of financial regulation~~ Department of Financial Regulation, if required, has issued a certificate of need.

Sec. 81. 16 V.S.A. § 4014(d) is amended to read:

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

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

(2) The program will rely on early screening of children's development to determine need.

(3) The program will provide experiential learning activities which are developmentally appropriate for ~~three and four-year olds~~ three- and four-year-old children. Such activities may be provided in home or group settings or a combination of the two.

(4) The program will include active parental involvement in program design and in making decisions about services.

-
- (5) The program has been cooperatively developed by community and school organizations that serve young children in a town or group of towns.
- (6) There is a demonstrated need for the program.
- (7) The program considers the transportation needs of children and parents.
- (8) The program enables children with ~~disabling conditions~~ disabilities to be served in settings with peers who do not have a disability.
- (9) The program includes voluntary training for parents.

Sec. 82. 17 V.S.A. § 2502 is amended to read:

§ 2502. LOCATION OF POLLING PLACES

- (a) Each polling place shall be located in a public place within the town.
- (b) The board of civil authority shall take such measures as are necessary to assure that ~~elderly and handicapped~~ voters who are elderly or have a disability may conveniently and secretly cast their votes. Measures which may be taken shall include, ~~but are not limited to:~~ location of polling places on the ground floor of a building; providing ramps, elevators, or other facilities for access to the polling place; providing a stencil overlay for ballots; providing a separate polling place with direct communication to the main polling place; and permitting election officials to carry a ballot to a ~~handicapped or elderly~~ person who is elderly or has a disability in order to permit that person to mark the ballot while in a motor vehicle adjacent to the polling place. For purposes of this subsection, the board of civil authority shall have full jurisdiction on the day of an election over the premises at which a polling place is located.

Sec. 83. 17 V.S.A. § 2538(b) is amended to read:

- (b) The town clerk shall divide the list of ~~ill or physically disabled~~ applicants who have an illness or physical disability into approximately as many equal parts as there are pairs of justices so designated, having regard to the several parts of the town in which the applicants may be found. During the eight days immediately preceding election day and on election day, the clerk shall deliver to each pair of justices one part of the list, together with early or absentee voter ballots and envelopes for each applicant. When justices receive ballots and envelopes prior to election day, they shall receive only the ballots and envelopes they are assigned to deliver on that day.

Sec. 84. 17 V.S.A. § 2567(b) is amended to read:

- (b) All polling places, regardless of whether the municipality has voted to use a voting machine pursuant to section 2492 of this title, shall possess at least one voting system approved by the ~~secretary of state~~ Secretary of State

equipped for individuals with disabilities, including accessibility for ~~the people who are blind and visually impaired~~ and people who have a visual impairment, to vote independently and privately.

Sec. 85. 17 V.S.A. § 2667 is amended to read:

§ 2667. ACCESS TO ANNUAL MEETING

The legislative body of the municipality shall take reasonable measures to ~~assure~~ ensure that ~~elderly or handicapped~~ voters who are elderly or have a disability may conveniently attend annual or special meetings; provided, however, that such measures need not be taken if doing so would impose undue hardship on the town. Measures may include, ~~but are not limited to~~, location of meetings on the ground floor of buildings or providing ramps or other devices for access to meetings. In municipal elections using the Australian ballot system of voting, subsection 2502(b) of this title shall apply. For the purposes of this section, the legislative body shall have full jurisdiction on the day of the municipal meeting over the premises at which the town meeting is to be held.

Sec. 86. 18 V.S.A. § 115 is amended to read:

§ 115. CHRONIC DISEASES; STUDY; PROGRAM

(a) The ~~department of health~~ Department of Health may, in the discretion of the ~~commissioner~~ Commissioner, accept for treatment children ~~suffering from~~ who have chronic diseases such as cystic fibrosis and severe hemophilia.

(b) The state ~~board of health~~ Board of Health is authorized to:

- (1) Study the prevalence of chronic disease;₂
- (2) Make such morbidity studies as may be necessary to evaluate the over-all problem of chronic disease;₂
- (3) Develop an early case-finding program, in cooperation with the medical profession;₂
- (4) Develop and carry on an educational program as to the causes, prevention and alleviation of chronic disease;₂
- (5) Integrate this program with that of the state rehabilitation center where possible, by seeking the early referral of persons with chronic disease, who are capable of being rehabilitated could benefit from the state rehabilitation program.

* * *

Sec. 87. 18 V.S.A. § 115a is amended to read:

§ 115a. CHRONIC DISEASES OF CHILDREN; TREATMENT

The ~~department of health~~ Department of Health may, in the discretion of the ~~commissioner~~ Commissioner, accept for treatment children ~~suffering from~~ who have chronic diseases such as cystic fibrosis.

Sec. 88. 18 V.S.A. § 116(a) is amended to read:

(a) The ~~board~~ Board shall continue the existing health service for mothers and children established in a manner harmonious with parts one and two of ~~title~~ Title V of the ~~aet~~ Act of Congress approved August 14, 1935 and entitled ~~social security act~~ Social Security Act and shall continue its existing health service for ~~crippled~~ children with physical disabilities.

Sec. 89. 18 V.S.A. § 120 is amended to read:

§ 120. CONTRACT FOR PAYMENT OF CERTAIN HEALTH BENEFITS

The ~~board of health~~ Board of Health may contract with a private organization to process the payment of in-patient hospital care, and physician, radiological, and other medical costs related thereto under the maternal, child health, and ~~crippled children's~~ children with physical disabilities' plans of the ~~department of health~~ Department of Health. Such a contract shall provide for cancellation upon reasonable notification by the ~~board~~ Board. In furtherance of the purposes of the contract, the ~~board~~ Board may requisition funds, with the approval of the ~~governor~~ Governor, and the ~~commissioner of finance~~ Commissioner of Finance and Management shall issue his or her warrant in favor of the contracting party to permit the contracting party to make payments to vendors under the contract. The ~~board~~ Board shall quarterly, and at such other times as the ~~commissioner of finance~~ Commissioner of Finance and Management requires, render an account in such form as the ~~commissioner of finance~~ Commissioner of Finance and Management prescribes of the expenditures of monies so advanced.

Sec. 90. 18 V.S.A. § 701 is amended to read:

§ 701. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

* * *

(3) "Chronic care" means health services provided by a health care professional for an established clinical condition that is expected to last a year or more and that requires ongoing clinical management attempting to restore the individual to highest function, minimize the negative effects of the condition, prevent complications related to chronic conditions, engage in

advanced care planning, and promote appropriate access to palliative care and pain and symptom management. Examples of chronic conditions include diabetes, hypertension, cardiovascular disease, cancer, asthma, pulmonary disease, substance abuse, ~~mental illness~~ mental condition or psychiatric disability, spinal cord injury, hyperlipidemia, dementia, and chronic pain.

* * *

(10) "Health service" means any treatment or procedure delivered by a health care professional to maintain an individual's physical or mental health or to diagnose or treat an individual's physical or mental ~~health~~ condition or intellectual disability, including services ordered by a health care professional, chronic care management, preventive care, wellness services, and medically necessary services to assist in activities of daily living.

* * *

Sec. 91. [Deleted.]

Sec. 92. 18 V.S.A. chapter 21 is amended to read:

CHAPTER 21. COMMUNICABLE DISEASES

* * *

§ 1047. INDIGENT PERSONS WITH RESPIRATORY DISEASES

Persons ~~afflicted with~~ who have tuberculosis and other chronic respiratory diseases, who are without the means to obtain adequate care and treatment for such diseases, shall be deemed indigent persons for the purposes of this subchapter.

§ 1048. EXAMINATION; REPORT; TREATMENT

A physician, licensed to practice medicine and surgery in the ~~state~~ State, shall immediately after examination of an indigent person wishing treatment for tuberculosis or other chronic respiratory disease make a report of his or her findings to the ~~commissioner of health~~ Commissioner of Health. Upon receipt of such report, the ~~commissioner~~ Commissioner may authorize treatment of the ~~afflicted~~ person who has tuberculosis or other chronic respiratory disease. Such person's physician shall thereupon prescribe the time of treatment and designate the facility at which treatment shall be given; provided, however, that in a case of tuberculosis suspected of being infectious, the ~~commissioner~~ Commissioner may apply all the laws and regulations of communicable disease control.

* * *

§ 1057. MEDICAL MANAGEMENT

(a) When the ~~commissioner of health~~ Commissioner of Health determines, as a result of an examination as provided by sections 1055 and 1056 of this title, that any person ~~is afflicted with~~ who has tuberculosis in an active stage and in communicable form to an extent that the person may expose other persons or the public generally to danger of infection, he or she shall investigate the circumstances thereof and if he or she finds that the person does constitute a health hazard to the public, he or she may request the court to order the person to a hospital or other suitable place and require appropriate medical management of the person therein until he or she determines that the management is no longer necessary. Such medical care and treatment as the ~~commissioner of health~~ Commissioner of Health considers necessary and proper may be furnished to the sick person at the expense of the state. Treatment shall not be imposed on any person against his or her will unless the ~~commissioner~~ Commissioner determines that the person constitutes a public health hazard without such treatment.

* * *

§ 1097. EDUCATIONAL CAMPAIGN

The ~~board~~ Board shall conduct an educational campaign of methods for the prevention and treatment and care of persons ~~suffering from~~ who have venereal diseases.

* * *

§ 1099. REPORTS AND RECORDS CONFIDENTIAL

All information and reports in connection with persons ~~suffering from~~ who have venereal diseases shall be regarded as absolutely confidential and for the sole use of the ~~board~~ Board in the performance of its duties hereunder, and such records shall not be accessible to the public nor shall such records be deemed public records; and ~~such board~~ the Board shall not disclose the names or addresses of persons so reported or treated except to a prosecuting officer or in court in connection with a prosecution under ~~sections~~ section 1105 or 1106 of this title. The foregoing shall not constitute a restriction on the ~~board~~ Board in the performance of its duties in controlling ~~the above~~ these communicable diseases.

* * *

§ 1101. REPORTS BY PUBLIC INSTITUTIONS

The superintendent or other officer in charge of public institutions such as hospitals, dispensaries, clinics, homes, ~~asylums,~~ psychiatric hospitals, and charitable and correctional institutions shall report promptly to the ~~board~~ Board

the name, sex, age, nationality, race, marital state, and address of every patient under observation ~~suffering from~~ who has venereal diseases in any form, stating the name, character, stage, and duration of the infection, and, if obtainable, the date and source of contracting the same.

* * *

Sec. 93. 18 V.S.A. § 1751(b)(26) is amended to read:

(26) “Target housing” means any dwelling constructed prior to 1978, except any 0-bedroom dwelling or any dwelling located in multiple-unit buildings or projects reserved for the exclusive use of ~~the persons who are~~ elderly or persons with disabilities, unless a child six years of age or younger resides in or is expected to reside in that dwelling. “Target housing” does not include units in a hotel, motel, or other lodging, including condominiums that are rented for transient occupancy for 30 days or less.

Sec. 94. 18 V.S.A. § 1852(a) is amended to read:

(a) The ~~general assembly~~ General Assembly hereby adopts the “Bill of Rights for Hospital Patients” as follows:

* * *

(15) A patient who does not speak or understand the predominant language of the community has a right to an interpreter if the language barrier presents a continuing problem to patient understanding of the care and treatment being provided. A patient who is hard of hearing ~~impaired~~ has a right to an interpreter if the impairment presents a continuing problem to patient understanding of the care and treatments being provided.

* * *

Sec. 95. 18 V.S.A. § 1871 is amended to read:

§ 1871. PATIENT’S BILL OF RIGHTS FOR PALLIATIVE CARE AND PAIN MANAGEMENT

* * *

(c) A patient ~~suffering from~~ with pain has the right to request or reject the use of any or all treatments in order to relieve his or her pain.

(d) A patient ~~suffering from~~ with a chronic condition has the right to competent and compassionate medical assistance in managing his or her physical and emotional symptoms.

(e) A pediatric patient ~~suffering from~~ with a serious or life-limiting illness or condition has the right to receive palliative care while seeking and undergoing potentially curative treatment.

Sec. 96. 18 V.S.A. § 1902 is amended to read:

§ 1902. DEFINITIONS

The following words and phrases, as used in this chapter, shall have the following meanings unless otherwise provided:

(1) "Hospital" means a place devoted primarily to the maintenance and operation of diagnostic and therapeutic facilities for in-patient medical or surgical care of individuals ~~suffering from~~ who have an illness, disease, injury, or deformity physical disability, or for obstetrics.

(A) "General hospital" is a hospital of which not more than 50 percent of the total patient days during the year are customarily assignable to the following categories of cases: chronic, convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental epilepsy, developmental and psychiatric disabilities and mental conditions, and tuberculosis, and which provides adequate and separate facilities and equipment for the performance of surgery and obstetrics, or either, and for diagnostic X-ray and laboratory services.

(B) "~~Mental~~ Psychiatric hospital" means a hospital for the diagnosis and treatment of mental illness.

(C) "Tuberculosis facility" means a hospital (excluding preventoria), or the separate tuberculosis unit of a general, ~~mental psychiatric~~, or chronic disease hospital for the diagnosis and treatment of tuberculosis.

(D) "Chronic disease facility" means a hospital, or the separate chronic disease unit of a general hospital, for the treatment of chronic illness, including the degenerative diseases. The term does not include facilities primarily for the care of ~~mentally ill or tuberculosis patients~~ individuals with mental conditions and psychiatric disabilities or tuberculosis, nursing homes, and institutions the primary purpose of which is domiciliary care.

* * *

(H) "Psychiatric facility" means a type of ~~mental psychiatric~~ hospital, or separate unit of a general hospital, where patients may obtain diagnostic services and receive intensive treatment for mental ~~and nervous~~ illness and where only a minimum of continued treatment facilities will be afforded.

* * *

Sec. 97. 18 V.S.A. § 4201(18) is amended to read:

(18) "Nursing home" means a facility, other than a hospital, operated for the purpose of providing lodging, board, and nursing care to ~~sick, invalid, infirm, disabled or convalescent~~ persons who are sick, have an infirmity or

disability, or are convalescing, approved under this chapter as proper to be entrusted with the custody and use of regulated drugs prescribed for such individual patients under its care under the direction of a physician or dentist, confirmed by an official written order signed by a person authorized to prescribe such drugs. No nursing home shall be granted a certificate of approval for the possession and use of such drugs unless such nursing home has a registered nurse or a licensed practical nurse on duty or on call 24 hours daily who will have sole responsibility for those drugs. Nothing in this chapter shall be construed as conferring on any nursing home, convalescent home, or home for the aged any authority, right, or privilege beyond that granted to it by the law under which it is licensed or otherwise authorized to function.

Sec. 98. 18 V.S.A. § 5142 is amended to read:

§ 5142. RESTRICTIONS AS TO MINORS AND INCOMPETENT PERSONS WHO ARE MINORS OR INCOMPETENT

A clerk shall not issue a civil marriage license when either party to the intended marriage is:

- (1) A person who has not attained majority without the consent in writing of one of the parents if there is one competent to act; or the guardian of such minor;
- (2) Nor with such consent when either party is under 16 years of age;
- (3) Nor when either of the parties to the intended marriage is ~~non compos mentis~~ not mentally capable of entering into marriage;
- (4) Nor to a person under guardianship without the written consent of such guardian.
- (5) [Deleted.]

Sec. 99. 18 V.S.A. § 5205(a) is amended to read:

(a) When a person dies from violence, or suddenly when in apparent good health or when unattended by a physician or a recognized practitioner of a well-established church, or by casualty, or by suicide or as a result of injury or when in jail or prison, or any ~~mental institution~~ psychiatric hospital, or in any unusual, unnatural, or suspicious manner, or in circumstances involving a hazard to public health, welfare, or safety, the head of the household, the jailer or the superintendent of a ~~mental institution~~ psychiatric hospital where such death occurred, or the next of kin, or the person discovering the body or any doctor notified of the death, shall immediately notify the medical examiner who resides nearest the town where the death occurred and immediately upon being notified, such medical examiner shall notify the state's attorney of the county in which the death occurred. The state's attorney shall thereafter be in

charge of the body and shall issue such instructions covering the care or removal of the body as he or she shall deem appropriate until he or she releases same.

Sec. 100. 18 V.S.A. chapter 171 is amended to read:

CHAPTER 171. GENERAL PROVISIONS

§ 7101. DEFINITIONS

As used in this part of this title, the following words, unless the context otherwise requires, shall have the following meanings:

* * *

(7) “Hospital” means a public or private hospital or facility or part thereof, equipped and otherwise qualified to provide in-patient care and treatment for ~~the mentally ill~~ persons with mental conditions or psychiatric disabilities.

* * *

(12) ~~“Mentally retarded individual” means an individual who has significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior. [Deleted.]~~

* * *

(14) “Mental illness” means a substantial disorder of thought, mood, perception, orientation, or memory, any of which grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life, but shall not include ~~mental retardation~~ intellectual disability.

(15) “Patient” means a resident of or person in Vermont qualified under this title for hospitalization or treatment as a ~~mentally ill or mentally retarded individual~~ person with a mental illness or intellectual disability.

* * *

(17) “A person in need of treatment” means a person who ~~is suffering from~~ has a mental illness and, as a result of that mental illness, his or her capacity to exercise self-control, judgment, or discretion in the conduct of his or her affairs and social relations is so lessened that he or she poses a danger of harm to himself, to herself, or to others:

* * *

§ 7104. WRONGFUL HOSPITALIZATION OR DENIAL OF RIGHTS;
FRAUD; ELOPEMENT

~~Any~~ A ~~person who willfully~~ shall be fined not more than \$500.00 or imprisoned not more than one year, or both, if he or she willfully causes, or conspires with or assists another to cause:

(1) the hospitalization of an individual knowing that the individual is not mentally ill or in need of hospitalization or treatment as ~~a mentally ill or mentally retarded~~ an individual with a mental illness or intellectual disability; or

(2) the denial to any individual of any rights granted to him or her under this part of this title; or

(3) the voluntary admission to a hospital of an individual knowing that he or she is not mentally ill or eligible for treatment thereby attempting to defraud the ~~state~~ State; or

(4) the elopement of any patient ~~or student~~ from a hospital ~~or training school~~ or who knowingly harbors any ~~sick person~~ patient who has eloped, or who aids in abducting a patient ~~or student~~ who has been conditionally discharged from the person or persons in whose care and service that patient ~~or student~~ has been legally placed; ~~shall be fined not more than \$500.00 or imprisoned not more than one year, or both.~~

* * *

§ 7113. INDEPENDENT EXAMINATION; PAYMENT

Whenever a court orders an independent examination by a mental health professional or a qualified ~~mental retardation~~ developmental disabilities professional pursuant to this title or 13 V.S.A. § 4822, the cost of the examination shall be paid by the ~~department of disabilities, aging, and independent living or of health~~ Department of Disabilities, Aging, and Independent Living or of Health. The mental health professional or qualified ~~mental retardation~~ developmental disabilities professional may be selected by the court but the ~~commissioner of disabilities, aging, and independent living or the commissioner of mental health~~ Commissioner of Disabilities, Aging, and Independent Living or of Mental Health may adopt a reasonable fee schedule for examination, reports, and testimony.

Sec. 101. 18 V.S.A. chapter 174 is amended to read:

CHAPTER 174. MENTAL HEALTH SYSTEM OF CARE

§ 7251. PRINCIPLES FOR MENTAL HEALTH CARE REFORM

The ~~general assembly~~ General Assembly adopts the following principles as a framework for reforming the mental health care system in Vermont:

(1) The ~~state~~ State of Vermont shall meet the needs of individuals with ~~mental health conditions~~ a mental condition or psychiatric disability, including the needs of individuals in the custody of the ~~commissioner of corrections~~ Commissioner of Corrections, and the ~~state's~~ State's mental health system shall reflect excellence, best practices, and the highest standards of care.

(2) Long-term planning shall look beyond the foreseeable future and present needs of the mental health community. Programs shall be designed to be responsive to changes over time in levels and types of needs, service delivery practices, and sources of funding.

(3) Vermont's mental health system shall provide a coordinated continuum of care by the ~~departments of mental health and of corrections~~ Departments of Mental Health and of Corrections, designated hospitals, designated agencies, and community and peer partners to ensure that individuals with ~~mental health conditions~~ a mental condition or psychiatric disability receive care in the most integrated and least restrictive settings available. Individuals' treatment choices shall be honored to the extent possible.

(4) The mental health system shall be integrated into the overall health care system.

(5) Vermont's mental health system shall be geographically and financially accessible. Resources shall be distributed based on demographics and geography to increase the likelihood of treatment as close to the patient's home as possible. All ranges of services shall be available to individuals who need them, regardless of individuals' ability to pay.

(6) The state's mental health system shall ensure that the legal rights of individuals with ~~a mental health conditions~~ condition or psychiatric disability are protected.

(7) Oversight and accountability shall be built into all aspects of the mental health system.

(8) Vermont's mental health system shall be adequately funded and financially sustainable to the same degree as other health services.

(9) Individuals with a ~~mental health condition~~ psychiatric disability or mental condition who are in the custody of the ~~commissioner of mental health~~ Commissioner of Mental Health and who receive treatment in an acute inpatient hospital, intensive residential recovery facility, or a secure residential facility shall be afforded at least the same rights and protections as those individuals cared for at the former Vermont State Hospital.

§ 7252. DEFINITIONS

As used in this chapter:

(1) “Adult outpatient services” means flexible services responsive to individuals’ preferences, needs, and values that are necessary to stabilize, restore, or improve the level of social functioning and well-being of individuals with ~~mental health conditions~~ a mental condition, including individual and group treatment, medication management, psychosocial rehabilitation, and case management services.

* * *

(5) “Intensive residential recovery facility” means a licensed program under contract with the ~~department of mental health~~ Department of Mental Health that provides a safe, therapeutic, recovery-oriented residential environment to care for individuals with one or more mental ~~health~~ conditions or psychiatric disabilities who need intensive clinical interventions to facilitate recovery in anticipation of returning to the community. This facility shall be for individuals not in need of acute inpatient care and for whom the facility is the least restrictive and most integrated setting.

* * *

(10) “Peer” means an individual who has a personal experience of living with a mental ~~health~~ condition or psychiatric disability.

(11) “Peer services” means support services provided by trained peers or peer-managed organizations focused on helping individuals with mental ~~health~~ and other co-occurring conditions to support recovery.

(12) “Psychosocial rehabilitation” means a range of social, educational, occupational, behavioral, and cognitive interventions for increasing the role performance and enhancing the recovery of individuals with a serious mental illness condition or psychiatric disability, including services that foster long-term recovery and self-sufficiency.

* * *

§ 7253. CLINICAL RESOURCE MANAGEMENT AND OVERSIGHT

The ~~commissioner of mental health~~ Commissioner of Mental Health, in consultation with health care providers as defined in section 9432 of this title, including designated hospitals, designated agencies, individuals with ~~mental health conditions~~ mental conditions or psychiatric disabilities, and other stakeholders, shall design and implement a clinical resource management system that ensures the highest quality of care and facilitates long-term, sustained recovery for individuals in the custody of the ~~commissioner~~ Commissioner.

(1) For the purpose of coordinating the movement of individuals across the continuum of care to the most appropriate services, the clinical resource management system shall:

(A) ensure that all individuals in the care and custody of the commissioner receive the highest quality and least restrictive care necessary;

(B) develop a process for receiving direct ~~patient~~ input from persons receiving services on treatment opportunities and the location of services;

(C) use state-employed clinical resource management coordinators to work collaboratively with community partners, including designated agencies, hospitals, individuals with ~~mental health conditions~~ or psychiatric disabilities, and peer groups, to ensure access to services for individuals in need. Clinical resource management coordinators or their designees shall be available 24 hours a day, seven days a week to assist emergency service clinicians in the field to access necessary services;

* * *

(J) ensure that individuals under the custody of the ~~commissioner~~ Commissioner being served in designated hospitals, intensive residential recovery facilities, and the secure residential recovery facility shall have access to a mental health patient representative. The patient representative shall advocate for ~~patients~~ persons receiving services and shall also foster communication between ~~patients~~ persons receiving services and health care providers. The ~~department of mental health~~ Department of Mental Health shall contract with an independent, peer-run organization to staff the full-time equivalent of a ~~patient~~ representative of persons receiving services.

* * *

§ 7255. SYSTEM OF CARE

The ~~commissioner of mental health~~ Commissioner of Mental Health shall coordinate a geographically diverse system and continuum of mental health care throughout the state that shall include at least the following:

(1) comprehensive and coordinated community services, including prevention, to serve children, families, and adults at all stages of ~~mental illness~~ mental condition or psychiatric disability;

(2) peer services, which may include:

(A) a warm line;

(B) peer-provided transportation services;

(C) peer-supported crisis services; and

(D) peer-supported hospital diversion services;

(3) alternative treatment options for individuals seeking to avoid or reduce reliance on medications;

(4) recovery-oriented housing programs;

(5) intensive residential recovery facilities;

(6) appropriate and adequate psychiatric inpatient capacity for voluntary patients;

(7) appropriate and adequate psychiatric inpatient capacity for involuntary inpatient treatment services, including ~~patients~~ persons receiving treatment through court order from a civil or criminal court; and

(8) a secure residential recovery facility.

§ 7256. REPORTING REQUIREMENTS

Notwithstanding 2 V.S.A. § 20(d), the ~~department of mental health~~ Department of Mental Health shall report annually on or before January 15 to the ~~senate committee on health and welfare~~ Senate Committee on Health and Welfare and the ~~house committee on human services~~ House Committee on Human Services regarding the extent to which individuals with ~~mental health conditions~~ a mental condition or psychiatric disability receive care in the most integrated and least restrictive setting available. The report shall address:

(1) Utilization of services across the continuum of mental health services;

(2) Adequacy of the capacity at each level of care across the continuum of mental health services;

(3) Individual experience of care and satisfaction;

(4) Individual recovery in terms of clinical, social, and legal outcomes; and

(5) Performance of the ~~state's~~ State's mental health system of care as compared to nationally recognized standards of excellence.

§ 7257. REPORTABLE ADVERSE EVENTS

An acute inpatient hospital, an intensive residential recovery facility, a designated agency, or a secure residential facility shall report to the ~~department of mental health~~ Department of Mental Health instances of death or serious bodily injury to individuals with a mental ~~health~~ condition or psychiatric disability in the custody of the ~~commissioner~~ Commissioner.

* * *

Sec. 102. 18 V.S.A. § 7304 is amended to read:

§ 7304. PERSONS NOT HOSPITALIZED

The ~~board~~ Board shall have general jurisdiction of ~~the mentally retarded and the mentally ill~~ persons with an intellectual disability or mental illness who have been discharged from a hospital or training school by authority of the ~~board~~ Board. It shall also have jurisdiction of ~~the mentally ill and mentally retarded~~ persons with a mental illness or intellectual disability of the ~~state~~ State not hospitalized, so far as concerns their physical and mental condition and their care, management, and medical treatment and shall make such orders therein as each case duly brought to its attention requires.

Sec. 103. 18 V.S.A. § 7314 is amended to read:

§ 7314. RECIPROCAL AGREEMENTS

The ~~board~~ Board may enter into reciprocal agreements with corresponding state agencies of other states regarding the interstate transportation or transfer of persons with ~~mental illness or retardation~~ a psychiatric or intellectual disability and arrange with the proper officials in this ~~state~~ State for the acceptance, transfer, and support of residents of this ~~state~~ State who are temporarily detained or receiving ~~mental~~ care in public institutions of other states in accordance with the terms of such agreements.

Sec. 104. 18 V.S.A. chapter 177 is amended to read:

CHAPTER 177. THE COMMISSIONER OF MENTAL HEALTH

§ 7401. POWERS AND DUTIES

Except insofar as this part of this title specifically confers certain powers, duties, and functions upon others, the ~~commissioner~~ Commissioner shall be charged with its administration. The ~~commissioner~~ Commissioner may:

* * *

(14) plan and coordinate the development of community services which are needed to assist children and adolescents with or at risk for a severe emotional disturbance and individuals with ~~mental illness~~ a psychiatric disability or mental condition to become as financially and socially independent as possible. These services shall consist of residential, vocational, rehabilitative, day treatment, inpatient, outpatient, and emergency services, as well as client assessment, prevention, family, and individual support services, and such other services as may be required by federal law or regulations;

(15) contract with community mental health centers to assure that children and adolescents with or at risk for a severe emotional disturbance or individuals with ~~mental illness~~ a psychiatric disability or mental condition can receive information, referral, and assistance in obtaining those community services which they need and to which they are lawfully entitled;

* * *

§ 7402. RECORDS AND REPORTS

The ~~commissioner~~ Commissioner shall keep records of all commitments and admissions to a hospital and shall secure compliance with the laws relating thereto. The ~~commissioner~~ Commissioner shall report biennially to the ~~governor~~ Governor and the ~~general assembly~~ General Assembly on the condition of hospitals, on the physical and medical treatment of patients therein, on the need for community services to former patients and ~~those mentally ill~~ persons with a mental condition or psychiatric disability not hospitalized and on any other matters the ~~commissioner~~ Commissioner deems advisable.

* * *

Sec. 105. [Deleted.]

Sec. 106. [Deleted.]

Sec. 107. [Deleted.]

Sec. 108. [Deleted.]

Sec. 109. [Deleted.]

Sec. 110. [Deleted.]

Sec. 111. 18 V.S.A. chapter 204 is amended to read:

CHAPTER 204. STERILIZATION

§ 8705. STERILIZATION; POLICY

(a) It is the policy of the ~~state~~ State of Vermont to allow voluntary and involuntary sterilizations of ~~mentally retarded~~ adults with an intellectual

disability under circumstances which will ensure that the best interests and rights of such persons are fully protected. In accordance with this policy, ~~no mentally retarded~~ a person with an intellectual disability, as defined by ~~section~~ subdivision 7101(12) of this title, may not be sterilized without his or her consent unless there is a prior hearing in the superior court as provided in this chapter. ~~No mentally retarded~~ A person with an intellectual disability under the age of ~~eighteen~~ 18 may not be sterilized.

(b) Sterilization is defined to mean a surgical procedure, the purpose of which is to render an individual incapable of procreating.

§ 8706. VOLUNTARY STERILIZATION

Any ~~mentally retarded~~ person with an intellectual disability over the age of ~~eighteen~~ 18, who does not have either a guardian or ~~protective services worker~~ with the power to consent to nonemergency surgery, may obtain a voluntary sterilization subject to all of the following preconditions:

(1) the ~~mentally retarded~~ person with an intellectual disability has freely, voluntarily, and without coercion, personally requested a physician to perform a sterilization; and

(2) the ~~mentally retarded~~ person with an intellectual disability has given informed consent to the sterilization in that:

(A) the physician has provided a complete explanation concerning:

(i) the nature and irreversible consequences of a sterilization procedure; and

(ii) the availability of alternative contraceptive measures;

(B) the physician is satisfied that the consent is based upon an understanding of that information and that before the operation is undertaken the physician personally obtains evidence of the person's retention of that understanding, not less than 10 days following the original explanation;

(C) the consent is in writing and signed by the ~~mentally retarded~~ person with an intellectual disability;

(3) the ~~mentally retarded~~ person with an intellectual disability has been informed and is aware that his or her consent may be withdrawn at any time prior to the operation;

(4) the physician has reviewed medical records and psychological assessments of the ~~mentally retarded~~ person with an intellectual disability.

§ 8707. COMPETENCY TO CONSENT; PROCEDURE

(a)(1) If the physician from whom the sterilization has been sought refuses to perform the sterilization because he or she is not satisfied that the ~~mentally retarded~~ person with an intellectual disability has the ability to give the informed consent required by section 8706 of this title, the ~~mentally retarded~~ person with an intellectual disability may file a petition in superior court for a determination of the person's competency to consent to the sterilization.

(2) The petition shall set forth the information required by ~~section subdivisions~~ 8709(b)(1)–(5) of this title.

(3) Upon filing of the petition, the court shall appoint a qualified ~~mental retardation~~ developmental disabilities professional as defined in ~~section subdivision~~ 8821(8) of this title to examine the ~~mentally-retarded~~ person with an intellectual disability and present evidence to the court as to that person's ability to give informed consent.

(4) The hearing shall be limited to a determination of the ~~mentally retarded person's~~ person with an intellectual disability's competency to consent to a sterilization, and shall be conducted in accordance with sections 8709(c), 8710, and 8711(a) and (b) of this title.

(b)(1) If, after the hearing, the court determines on the basis of clear and convincing proof that the ~~mentally-retarded~~ person with an intellectual disability is competent to consent and has given the required consent, it shall order that a voluntary sterilization may be performed.

(2) If the court determines that the ~~mentally-retarded~~ person with an intellectual disability is not competent to give consent it shall inform the person that he or she has the right to petition the court for an involuntary sterilization pursuant to the requirements of section 8708 of this title.

§ 8708. INVOLUNTARY STERILIZATION

(a) Any sterilization sought on behalf of a ~~mentally-retarded~~ person with an intellectual disability or requested by any person denied a voluntary sterilization by section 8707 of this title shall be considered an involuntary sterilization.

(b) Involuntary sterilizations may be performed only after a hearing in the superior court pursuant to sections 8709-8712 of this title. For the purposes of involuntary sterilization proceedings under this chapter, the ~~mentally-retarded~~ person with an intellectual disability subject to a petition for sterilization shall be defined as the respondent.

§ 8709. PETITION AND NOTICE OF HEARING

(a) Any ~~mentally retarded~~ adult with an intellectual disability, his or her parent, private guardian, near relative, as defined in section 8821 of this title, or physician, may file a petition in the superior court alleging that the person ~~is mentally retarded~~ has an intellectual disability and is in need of sterilization.

* * *

§ 8711. CONDUCT OF HEARING

* * *

(c) The court shall determine the following:

(1) whether the respondent ~~is mentally retarded~~ has an intellectual disability;

(2) whether the respondent is competent to give informed consent as defined in section 8706 of this title; and

(3) if the court determines that the respondent is not competent to give informed consent, whether a sterilization is in the best interests of the respondent by considering the following factors:

* * *

(d) The court shall order the ~~commissioner of disabilities, aging, and independent living~~ Commissioner of Disabilities, Aging, and Independent Living to arrange for the preparation of a comprehensive medical, psychological, and social evaluation of the person through developmental disability agencies affiliated with the ~~department~~ Department. The comprehensive evaluation shall be completed within 30 days of the receipt of the petition. The medical report shall be prepared by a physician and shall describe the physical condition of the respondent and the availability of the effective alternative contraceptive measures to meet the needs of the person. The psychological report shall include a diagnosis of the person's intellectual ability and social functioning. The social report shall be prepared by a qualified ~~mental retardation~~ developmental disabilities professional, and shall describe the respondent's developmental and social functioning.

* * *

§ 8712. FINDINGS; ORDER

(a) The court shall prepare written findings of fact and state separately its conclusions of law in all cases.

(b) If upon completion of the hearing and consideration of the record, the court finds that the ~~mentally retarded~~ person with an intellectual disability is

competent to give informed consent and no such consent has been given, no sterilization may be ordered.

(c) If upon completion of the hearing and consideration of the record, the court finds that the person is incompetent to consent and that the sterilization is in the best interests of the person, it shall order that an involuntary sterilization may be performed.

* * *

§ 8716. JURISDICTION

The superior court shall have exclusive original jurisdiction over all proceedings brought under this chapter. Proceedings under this chapter shall be commenced in the superior court of the county in which the ~~mentally retarded~~ person with an intellectual disability resides.

Sec. 112. 18 V.S.A. § 8722(2) is amended to read:

(2) “Developmental disability” means a severe, chronic disability of a person that is manifested before the person reaches the age of 18 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.

Sec. 113. 18 V.S.A. § 8731(d) is amended to read:

(d) All staff and all family-directed respite workers shall be trained in the requirements of 33 V.S.A. chapter 69, relating to reports of abuse, neglect, and exploitation of adults who are elderly and disabled adults or have a disability, and the requirements of 33 V.S.A. chapter 49, subchapter 2, relating to reports of suspected abuse or neglect of children.

Sec. 114. 18 V.S.A. chapter 206 is amended to read:

CHAPTER 206. CARE FOR ~~MENTALLY RETARDED~~ PERSONS WITH INTELLECTUAL DISABILITIES

§ 8820. PURPOSE

The purpose of this chapter is to establish procedures for determining appropriate care for ~~mentally retarded~~ persons with an intellectual disability in Vermont.

* * *

Subchapter 3. Judicial Proceeding; Persons with ~~Mental Retardation~~ an Intellectual Disability Who Present a Danger of Harm to Others

§ 8839. DEFINITIONS

As used in this subchapter:

(1) “Danger of harm to others” means the person has inflicted or attempted to inflict serious bodily injury to another or has committed an act that would constitute a sexual assault or lewd or lascivious conduct with a child.

(2) “Designated program” means a program designated by the ~~commissioner~~ Commissioner as adequate to provide in an individual manner appropriate custody, care, and habilitation to persons with ~~mental retardation~~ intellectual disabilities receiving services under this subchapter. Placement in the Brandon Training School may only be accomplished through the procedures set forth in subchapter 1 of chapter 206 of this title.

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

(A) a ~~mentally retarded~~ person with an intellectual disability;

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

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

* * *

Sec. 115. 18 V.S.A. chapter 207 is amended to read:

CHAPTER 207. COMMUNITY MENTAL HEALTH AND
DEVELOPMENTAL SERVICES

§ 8901. PURPOSE

The purpose of this chapter is to expand community mental health and developmental disability services; to encourage participation in such a program by persons in local communities; to obtain better understanding of the need for community mental health and developmental services; to authorize funding for the program by state aid, local financial support, and direct payment by ~~clients~~ people who receive services who have the ability to pay and to provide services to ~~mentally ill persons, developmentally disabled~~ persons with a mental condition or psychiatric disability, persons with a developmental disability, and children or adolescents with a severe emotional disturbance.

* * *

§ 8907. DESIGNATION OF AGENCIES TO PROVIDE MENTAL HEALTH AND DEVELOPMENTAL DISABILITY SERVICES

(a) Except as otherwise provided in this chapter, the ~~commissioner of mental health and the commissioner of disabilities, aging, and independent living~~ Commissioners of Mental Health and of Disabilities, Aging, and Independent Living shall, within the limits of funds designated by the legislature for this purpose, ensure that community services to ~~mentally ill and developmentally disabled persons~~ with a mental condition or psychiatric disability and persons with a developmental disability throughout the ~~state~~ State are provided through designated community mental health agencies. The ~~commissioners~~ Commissioners shall designate public or private nonprofit agencies to provide or arrange for the provision of these services.

(b) Within the limits of available resources, each designated community mental health or developmental disability agency shall plan, develop, and provide or otherwise arrange for those community mental health or developmental disability services that are not assigned by law to the exclusive jurisdiction of another agency and which are needed by and not otherwise available to persons with ~~mental illness or developmental disabilities~~ a mental condition or psychiatric disability or a developmental disability or children and adolescents with a severe emotional disturbance in accordance with the provisions of 33 V.S.A. chapter 43 ~~of Title 33~~ who reside within the geographic area served by the agency.

* * *

§ 8909. BOARDS OF DIRECTORS OF NONPROFIT CORPORATIONS DESIGNATED AS COMMUNITY MENTAL HEALTH AND DEVELOPMENTAL DISABILITY AGENCIES

* * *

(b) The ~~board~~ Board shall direct the development of the local community services plan and shall consult with the ~~commissioners~~ Commissioners, with consumers, with other organizations representing ~~mentally ill persons receiving services~~, persons with developmental disabilities, and children and adolescents with a severe emotional disturbance, and with other governmental or private agencies that provide community services to the ~~clients~~ people served by the agency to determine the needs of the community for mental health and developmental disability services, and the priority need for service. The plan shall encourage utilization of existing agencies, professional personnel, and public funds at both state and local levels in order to improve the effectiveness of mental health and developmental disability services and to prevent unnecessary duplication of expenditures.

* * *

§ 8911. POWERS OF THE COMMISSIONERS

(a) If the ~~commissioner~~ Commissioners after discussion with the board of a community mental health and developmental disability agency determine that the local community services plan required by section 8908 of this chapter is inadequate to meet the needs of persons with ~~mental illness~~ a mental condition or psychiatric disability or with developmental disabilities or children and adolescents with a severe emotional disturbance in accordance with the provisions of 33 V.S.A. chapter 43 ~~of Title 33~~ in the area served by a mental health and developmental disability agency or that an agency has, for reasons other than lack of resources, failed or refused to implement an otherwise adequate plan, the ~~commissioners~~ Commissioners shall take one or more of the following steps:

* * *

§ 8912. CONTRACTS WITH NONDESIGNATED AGENCIES

The ~~commissioners~~ Commissioners may enter into agreements with local community mental health and developmental disability agencies or with any public or private agency for the purpose of establishing specialized services which are needed by persons with ~~mental illness~~ a mental condition or psychiatric disability or with developmental disabilities or children and adolescents with a severe emotional disturbance and are not available from designated community mental health agencies.

* * *

Sec. 116. 18 V.S.A. § 9302(1) is amended to read:

(1) "Person with developmental disabilities" means:

(A) a person with a severe, chronic disability that must arise before the person reaches the age of 18, and results in:

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

(ii) deficits in adaptive behavior at least two standard deviations below the mean for a normative comparative comparison group; or

(B) a person with a developmental disability who was receiving services on July 1, 1996.

Sec. 117. 18 V.S.A. § 9373(9) is amended to read:

(9) "Health service" means any treatment or procedure delivered by a health care professional to maintain an individual's physical or mental health

or to diagnose or treat an individual's physical or mental ~~health~~ condition, including services ordered by a health care professional, chronic care management, preventive care, wellness services, and medically necessary services to assist in activities of daily living.

Sec. 118. 19 V.S.A. § 905a is amended to read:

§ 905a. CURB CUTS AND RAMPS

All newly constructed intersections or curbs in the ~~state~~ State used by pedestrians shall be constructed with curb cuts or ramps which enable persons with ambulatory ~~handicaps~~ disabilities to have access to the sidewalk. Specifications for design of curb cuts or ramps shall be in accordance with the American National Standards Institute. All curb cuts or ramps in the ~~state~~ State shall be of a uniform design where practical.

Sec. 119. 19 V.S.A. § 922a is amended to read:

§ 922a. WARNING SIGNS DESIGNATING ~~HANDICAPPED~~ ERSONS WITH A DISABILITY

Signs designating the presence of a ~~disabled individual~~ person with a disability shall be erected only with the consent of the individual or guardian.

Sec. 120. 20 V.S.A. § 46 is amended to read:

§ 46. DISASTER RELIEF WORKERS FUND; HEALTH CARE PROVIDERS; REIMBURSEMENT

(a) The ~~disaster relief workers fund~~ Disaster Relief Workers Fund is established in the ~~state treasury~~ State Treasury, and shall be managed in accordance with the provisions of 32 V.S.A. chapter 7, subchapter 5 of chapter 7 of Title 32. The ~~fund~~ Fund is established for the purpose of providing pay reimbursement to employers of certain public or private health care providers who perform ~~behavioral~~ mental health disaster relief services.

* * *

(e) For ~~behavioral~~ mental health care relief services, the ~~commissioner of developmental and mental health services~~ Commissioner of Mental Health or a director of a regional mental health center may make timely applications to any and all appropriate federal or other grant programs that provide money for disaster relief or homeland security services, including the Crisis Counseling Training and Assistance Program. Any monies awarded from these sources for the purposes authorized in subsection (b) of this section shall be deposited into the ~~disaster relief workers fund~~ Disaster Relief Workers Fund. The ~~commissioner of developmental and mental health services~~ Commissioner of

Mental Health shall supervise the administration of ~~behavioral~~ mental health care reimbursements under this act.

* * *

Sec. 121. 20 V.S.A. § 2063(b)(1) is amended to read:

(1) Requests made by any individual, organization, or governmental body doing business in Vermont which has one or more individuals performing services for it within this ~~state~~ State and which is a qualified entity that provides care or services to children, ~~the persons who are~~ elderly, or persons with disabilities as defined in 42 U.S.C. § 5119c.

Sec. 122. 20 V.S.A. § 2730(a)(1)(A) is amended to read:

(1)(A) a building owned or occupied by a public utility; hospital; school; house of worship; convalescent center or home for ~~the aged, infirm, or disabled persons who are elderly, have an infirmity, or a disability;~~ nursery; kindergarten; or child care;

Sec. 123. 20 V.S.A. § 2900(2) is amended to read:

(2) “Ambulatory disability” means an impairment which prevents or impedes walking. A person shall be considered to have an ambulatory disability if the person:

* * *

(F) is severely limited in ability to walk due to ~~an arthritic,~~ having arthritis, or a neurological, or orthopedic condition.

Sec. 124. 20 V.S.A. § 2904 is amended to read:

§ 2904. PARKING SPACES

Any parking facility on the premises of a public building shall contain at least the number of parking spaces required by ADAAG standards, and in any event at least one parking space, as designated parking for individuals with ambulatory disabilities or ~~blind~~ individuals who are blind patronizing the building. The space or spaces shall be accessibly and proximately located to the building, and, subject to 23 V.S.A. § 304a(d), shall be provided free of charge. Consideration shall be given to the distribution of spaces in accordance with the frequency and persistence of parking needs. Such spaces shall be designated by a clearly visible sign that cannot be obscured by a vehicle parked in the space, by the international symbol of access and, where appropriate, by the words “van accessible”; shall otherwise conform to ADAAG standards; and shall be in accordance with the standards established under section 2902 of this title.

Sec. 125. 20 V.S.A. § 3072(b) is amended to read:

(b) An applicant for a license shall be entitled to the issuance thereof upon the submission of evidence, under oath, which satisfies the ~~commissioner of public safety~~ Commissioner of Public Safety that the applicant:

(1) Has a reasonable and lawful purpose for possessing, purchasing, storing, using, transporting, giving, transferring, or selling explosives; and

(2) Has not been convicted of an offense the maximum term of imprisonment of which exceeds one year with the seven years preceding the application; and

(3) Has not been adjudged ~~insane or mentally~~ incompetent to stand trial or not guilty by reason of insanity, or has not been indicted by reason of insanity pursuant to 13 V.S.A. §§ 4817, 4818, or 4819 by a court of competent jurisdiction in this or any other jurisdiction; and

(4) Demonstrates that he or she is competent to possess, purchase, store, use, transport, give, transfer, or sell the explosives as the case may be.

Sec. 126. 21 V.S.A. § 201(a) is amended to read:

(a) It is the policy of the ~~state~~ State of Vermont that in their employment all persons shall be provided by their employers with safe and healthful working conditions at their work place, and that insofar as practicable ~~no~~ an employee shall ~~suffer~~ not experience diminished health, functional capacity, or life expectancy as a result of his or her work experience.

Sec. 127. 21 V.S.A. § 436 is amended to read:

§ 436. EMPLOYMENT OF CHILDREN UNDER 14 YEARS

A child under 14 years of age shall not be employed; ~~or permitted or suffered~~ to work in any gainful occupation unless the occupation has been approved by the ~~commissioner~~ Commissioner, by rule, to be appropriate for a child under the age of 14, and the employment occurs during vacation and before and after school. The provisions of this section shall not apply to:

* * *

Sec. 128. 21 V.S.A. § 437 is amended to read:

§ 437. EMPLOYMENT OF CHILDREN; SPECIAL RESTRICTIONS; HOURS FOR CHILDREN UNDER 16 YEARS

(a) Except as provided in section 438 of this title, a child shall not be employed; ~~or permitted or suffered~~ to work at or on any occupations, employment, operations, or machines determined to be hazardous, by rule, by the U.S. Secretary of Labor or the ~~commissioner~~ Commissioner.

(b) A child under 16 years of age shall not be employed more than eight hours in any one day or more than 40 hours in any one week.

Sec. 129. 21 V.S.A. § 495(a) is amended to read:

(a) It shall be unlawful employment practice, except where a bona fide occupational qualification requires persons of a particular race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, or physical or mental condition:

(1) For any employer, employment agency, or labor organization to discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, or age or against a qualified ~~disabled~~ individual with a disability;

* * *

(3) For any employment agency to fail or refuse to classify properly or refer for employment or to otherwise discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, or age or against a qualified ~~disabled~~ individual with a disability;

(4) For any labor organization, because of race, color, religion ancestry, national origin, sex, sexual orientation, gender identity, place of birth, or age to discriminate against any individual or against a qualified ~~disabled~~ individual with a disability or to limit, segregate, or qualify its membership;

* * *

Sec. 130. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

~~For the purposes of~~ As used in this subchapter:

* * *

(7) “Physical or mental impairment” means:

(A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; or endocrine;

(B) any mental or psychological disorder, such as ~~mental retardation~~ intellectual disability, organic brain syndrome, emotional or ~~mental illness~~ mental condition or psychiatric disability, and specific learning disabilities;

(C) the term “physical or mental impairment” includes ~~but is not limited to such~~ diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism.

* * *

Sec. 131. 21 V.S.A. § 497e(b) is amended to read:

(b) The ~~chair~~ Chair or his or her designated representative may authorize the sale of products which relate to ~~handicapped~~ Vermonters with disabilities and the revenue therefrom shall be placed in the account of the ~~governor's committee on employment of people with disabilities~~ Governor's Committee on Employment of People with Disabilities.

Sec. 132. 21 V.S.A. § 501(1) is amended to read:

(1) “~~Blind~~ Person who is blind or visually impaired ~~person~~” means a person whose visual acuity with correction is no better than 20/60, or whose field of vision subtends an angle of no greater than 20 degrees.

Sec. 133. 21 V.S.A. § 502 is amended to read:

§ 502. DUTIES

The ~~division~~ Division shall have the authority to:

* * *

(3) issue licenses to person who are blind or visually impaired ~~persons~~ for the operation of vending facilities on state property;

(4) provide vending facility equipment and an adequate initial stock of suitable articles to licensed persons who are blind or visually impaired ~~persons~~;

(5) provide the necessary training and supervision to licensed persons who are blind or visually impaired ~~persons~~;

* * *

Sec. 134. 21 V.S.A. § 504 is amended to read:

§ 504. INCOME FROM VENDING FACILITIES AND MACHINES

(a) All net income from a vending facility on state property shall accrue to the person who is blind or visually impaired ~~person~~ licensed to operate that facility.

(b) All net income from vending machines not placed within vending facilities on state property shall accrue to the ~~division~~ Division.

(c) Income which accrues to the ~~division~~ Division under this subchapter shall be used to:

- (1) maintain or enhance the vending facilities program;
- (2) provide benefit programs, including, ~~but not limited to~~, health insurance or pension plans for licensed persons who are blind or visually impaired ~~persons~~ who operate vending facilities;
- (3) provide vocational rehabilitation services for persons who are blind or visually impaired.

Sec. 135. 21 V.S.A. § 505 is amended to read:

§ 505. VENDING FACILITIES; OPERATION BY OTHER THAN PERSON WHO IS BLIND OR VISUALLY IMPAIRED ~~PERSON~~

Where vending facilities on state property are operated by those other than persons who are blind or visually impaired ~~persons~~ on July 1, 1984, the contracts of these vending facilities may be renewed or extended. A person who does not intend to renew or extend such a contract shall so notify the ~~director of the division~~ Director of the Division in a timely manner. Within 30 days of such notice, the ~~director~~ Director shall determine whether the vending facility is suited for operation by a person who is blind and or visually impaired ~~person~~. If the ~~director~~ Director determines that the facility is suited for operation by such person, preference in operation of the facility shall be given to a person who is blind or visually impaired ~~person~~.

Sec. 136. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows:

* * *

(11) “Personal injury by accident arising out of and in the course of employment” includes an injury caused by the willful act of a third person directed against an employee because of that employment.

* * *

(E) In the case of a firefighter, as defined in 20 V.S.A. § 3151(3) and (4), who ~~suffers death~~ dies or has a disability from a cancer listed in subdivision (iv) of this subdivision (E), the firefighter shall be presumed to have ~~suffered had~~ the cancer as a result of exposure to conditions in the line of duty, unless it is shown by a preponderance of the evidence that the cancer was caused by non-service-connected risk factors or non-service-connected exposure, provided:

* * *

(14) “Worker” and “employee” means an individual who has entered into the employment of, or works under contract of service or apprenticeship with, an employer. Any reference to a worker who has died as the result of a work injury shall include a reference to the worker’s dependents, and any reference to a worker who is a minor or incompetent shall include a reference to the minor’s committee, guardian, or next friend. The term “worker” or “employee” does not include:

* * *

(H) With the approval of the ~~commissioner~~ Commissioner, a corporation or a limited liability company (L.L.C.) may elect to file exclusions from the provisions of this chapter. A corporation or an L.L.C. may elect to exclude up to four executive officers or managers or members from coverage requirements under this chapter. If all officers of the corporation or all managers or members of an L.L.C. make such election, receive approval, and the business has no employees, the corporation or L.L.C. shall not be required to purchase workers’ compensation coverage. If after election, the officer, manager, or member ~~suffers~~ experiences a personal injury and files a claim under this chapter, the employer shall have all the defenses available in a personal injury claim. However, this election shall not prevent any other individual, other than the individual excluded under this section, found to be an employee of the corporation or L.L.C. to recover workers’ compensation from either the corporation, L.L.C., or the statutory employer.

* * *

Sec. 137. 21 V.S.A. § 644(a) is amended to read:

(a) In case of the following injuries, the disability caused thereby shall be deemed total and permanent:

* * *

(6) An injury to the skull resulting in incurable ~~imbecility or insanity~~ severe traumatic brain injury causing permanent and severe cognitive, physical, or psychiatric disabilities.

Sec. 138. 21 V.S.A. § 661 is amended to read:

§ 661. LIMITATION OF TIME AS REGARDS MINORS AND ~~INSANE~~
PERSONS WITH A MENTAL CONDITION OR PSYCHIATRIC
DISABILITY

Limitation of time provided by this chapter shall not run as against any person who is ~~mentally~~ incompetent or a minor dependent so long as such person has no guardian.

Sec. 139. 21 V.S.A. § 1301(6)(C)(vii) is amended to read:

(vii) For the purposes of subdivisions (6)(A)(ix) and (6)(A)(x) of this section, the term “employment” does not include service performed;

* * *

(IV) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is ~~impaired by age or physical or mental deficiency~~ limited due to being elderly or having a disability or injury or providing remunerative work for individuals who because of ~~their impaired physical or mental capacity~~ having a disability cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

* * *

Sec. 140. 22 V.S.A. § 605 is amended to read:

§ 605. DUTIES AND FUNCTIONS OF THE DEPARTMENT OF
LIBRARIES

The duties and functions of the ~~department of libraries~~ Department of Libraries shall be to provide, administer, and maintain:

* * *

(6) All libraries in state correctional institutions and all state institutions for the treatment of ~~the mentally ill and mentally handicapped~~ persons with a mental condition or psychiatric disability and persons with an intellectual disability.

(7) Reading materials for ~~the persons who are blind and~~ persons with a physically handicapped physical disability.

Sec. 141. 23 V.S.A. § 4(15) is amended to read:

(15) “Jitney” shall include any motor vehicle, not designated for the carrying of merchandise or freight, advertised or regularly used for carrying passengers for hire, but not operating over a fixed route, including motor vehicles operated for hire in connection with a livery business, but shall not

include any such vehicle which the owner thereof uses in an emergency for such purpose, nor one which an employer uses to transport his or her employees to and from their work, nor one which is used at least 75 percent of the time in the transportation of ~~school children~~ schoolchildren or under authority granted to a school board under 16 V.S.A. § 562 to transport other than ~~school children~~ schoolchildren, nor one which is used in the transfer of ~~United States~~ U.S. mail on a star route, so-called, nor one which is used to transport persons who are elderly and handicapped persons or have a disability for whom special transportation programs are designed and funded by state and federal authority through public and private, nonprofit social service agencies; nor shall it apply to cooperative use transportation.

Sec. 142. 23 V.S.A. § 304a is amended to read:

§ 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR PEOPLE WITH DISABILITIES

* * *

(b) Special registration plates or removable windshield placards, or both, shall be issued by the Vermont ~~commissioner of motor vehicles~~ Commissioner of Motor Vehicles. The placard shall be issued without a fee to a person who is blind or has an ambulatory disability. One set of plates shall be issued without additional fees for a vehicle registered or leased to a person who is blind or has an ambulatory disability. The ~~commissioner~~ Commissioner shall issue these placards or plates under rules adopted by him or her after proper application has been made to the ~~commissioner~~ Commissioner by any person residing within the ~~state~~ State of Vermont. Application forms shall be available on request at the ~~department of motor vehicles~~ Department of Motor Vehicles.

* * *

(4) An applicant for a ~~special handicapped~~ registration plate or placard for persons with disabilities may request the ~~civil division of the superior court~~ Civil Division of the Superior Court in the county in which he or she resides to review a decision by the ~~commissioner~~ Commissioner to deny his or her application for a special registration plate or placard.

* * *

(c) Vehicles with special registration plates or removable windshield placards from any state or which have a ~~handicapped~~ parking card for persons with disabilities issued by the ~~commissioner of motor vehicles~~ Commissioner of Motor Vehicles may use the special parking spaces when the card or placard is displayed in the lower right side of the windshield or the plate is mounted as

provided in section 511 of this title or as provided by the law of the state where the vehicle is registered.

(d) A person who has an ambulatory disability or an individual transporting a person who is blind shall be permitted to park and to park without fee for at least 10 continuous days in a parking space or area which is restricted as to the length of time parking is permitted or where parking fees are assessed, except that this minimum period shall be 24 continuous hours for parking in a state- or municipally operated parking garage. This section shall not apply to spaces or areas in which parking, standing, or stopping of all vehicles is prohibited by law or by any parking ban, or which are reserved for special vehicles. As a condition to this privilege, the vehicle shall display the ~~special-handicapped registration~~ registration plate or placard for persons with disabilities issued by the ~~commissioner~~ Commissioner or a special registration license plate or placard issued by any other jurisdiction.

* * *

(f) Persons who ~~are temporarily disabled with an~~ have a temporary ambulatory disability may apply for a temporary removable windshield placard to the ~~commissioner~~ Commissioner on a form prescribed by him or her. The placard shall be valid for a period of up to six months and displayed as required under the provisions of subsection (c) of this section. The application shall be signed by a licensed physician, certified physician's assistant, or licensed advanced practice registered nurse. The validation period of the temporary placard shall be established on the basis of the written recommendation from a licensed physician, certified physician's assistant, or licensed advanced practice registered nurse. The ~~commissioner~~ Commissioner shall promulgate rules to implement the provisions of this subsection.

Sec. 143. 23 V.S.A. § 311(c) is amended to read:

(c) The ~~commissioner~~ Commissioner may permit the operation of a specially equipped motor vehicle, not otherwise registerable, by a ~~handicapped~~ person with a disability who holds an operator's license permitting the operation of that vehicle.

Sec. 144. 23 V.S.A. § 671(a) is amended to read:

(a) In his or her discretion, the ~~commissioner~~ Commissioner may suspend indefinitely or for a definite time, the license of an operator or the right of an unlicensed person to operate a motor vehicle upon not less than five days' notice. He or she may order the license delivered to him or her, whenever he or she has reason to believe that the holder thereof is ~~an improper or a person~~ who is incompetent person to operate a motor vehicle, or is operating improperly so as to endanger the public. If, upon receipt of such notice, the

person so notified shall request a hearing, such suspension shall not take effect unless the ~~commissioner~~ Commissioner, after hearing, determines that the suspension is justified. No less than six months from the date of suspension and each six months thereafter, a person upon whom such suspension has been imposed may apply for reinstatement of his or her license or right to operate or for a new license. Upon receipt of such application, the ~~commissioner~~ Commissioner shall thereupon cause an investigation to be made and, if so requested, conduct a hearing to determine whether such suspension should be continued in effect.

Sec. 145. 23 V.S.A. § 1025(c) is amended to read:

(c) Traffic and control signals at intersections with exclusive pedestrian walk cycles shall be of sufficient duration to allow a pedestrian to leave the curb and travel across the roadway before opposing vehicles receive a green light. Determination of the length of the signal shall take into account the circumstances of persons with ambulatory ~~handicaps~~ disabilities.

Sec. 146. 23 V.S.A. § 1057 is amended to read:

§ 1057. DUTY TOWARD ~~BLIND~~ PERSONS WHO ARE BLIND

(a) Whenever a pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog or carrying in a raised or extended position a cane or walking stick, white in color or white tipped with red, the driver of every vehicle approaching the intersection, or place where the pedestrian is attempting to cross, shall bring his or her vehicle to a full stop before arriving at the intersection or place of crossing and before proceeding shall take such precautions as may be necessary to avoid injuring the pedestrian.

(b) It is unlawful for any person, unless totally or partially blind or otherwise ~~incapacitated~~ having a severe visual disability, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is white in color or white tipped with red.

(c) Nothing in this section deprives any person who is totally or partially blind or otherwise ~~incapacitated person~~ has a severe visual disability, not carrying a cane or walking stick and not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways, and the failure of any person who is totally or partially blind or otherwise ~~incapacitated person~~ has a severe visual disability to carry a cane or walking stick, or to be guided by a guide dog upon streets, highways, or sidewalks within this state, does not constitute and is not evidence of contributory negligence.

Sec. 147. 23 V.S.A. § 1749(b) is amended to read:

(b) Notwithstanding subsection (a) of this section, a person violating a ~~handicapped~~ parking ordinance for persons with disabilities may be fined not more than \$25.00 for each offense.

Sec. 148. 23 V.S.A. § 2502(a)(3) is amended to read:

(3) Four points assessed for:

- (A) § 1012. Failure to obey enforcement officer;
- (B) § 1013. Authority of enforcement officers;
- (C) § 1051. Failure to yield to pedestrian;
- (D) § 1057. Failure to yield to ~~blind~~ persons who are blind;

Sec. 149. 24 V.S.A. § 290(b) is amended to read:

(b) Full-time deputy sheriffs whose primary responsibility is transportation of prisoners and ~~mentally ill~~ persons with a mental condition or psychiatric disability shall be paid by the state State of Vermont. The appointment of such deputies and their salary shall be approved by the ~~governor~~, Governor or his or her designee. The ~~executive committee~~ Executive Committee of the Vermont ~~sheriffs association~~ Sheriffs Association and the ~~executive director~~ Executive Director of the ~~department of state's attorneys and sheriffs~~ Department of State's Attorneys and Sheriffs shall jointly have authority for the assignment of position locations in the counties of state-paid deputy sheriffs and shall review the county location assignments periodically for efficient use of resources.

Sec. 150. 24 V.S.A. § 961(a) is amended to read:

(a) When a town officer resigns his or her office, or has been removed therefrom, or dies, or ~~becomes insane~~ becomes unable to perform his or her duties due to a mental condition or psychiatric disability, or removes from town, such office shall become vacant. Notice of this vacancy shall be posted by the legislative body in at least two public places in the town, and in and near the town clerk's office, within 10 days of the creation of the vacancy.

Sec. 151. 24 V.S.A. § 2651(9) is amended to read:

(9) "Emergency medical treatment" means pre-hospital, in-hospital, and ~~inter-hospital~~ interhospital medical treatment rendered by emergency medical personnel given to individuals who have ~~suffered~~ experienced sudden illness or injury in order to prevent loss of life, the aggravation of the illness or injury, or to alleviate suffering. Emergency medical treatment includes basic emergency medical treatment and advanced emergency medical treatment.

Sec. 152. 24 V.S.A. § 2691 is amended to read:

§ 2691. AID TO SOCIAL SERVICES FOR TOWN RESIDENTS

At a meeting duly warned for that purpose, a town or incorporated village may appropriate such sums of money as it deems necessary for the support of social service programs and facilities within that town for its residents. Social service programs, for which a town or incorporated village may appropriate sums of money, include, ~~but are not limited to:~~ transportation, nutrition, medical, child care, and other rehabilitative services for persons with low incomes, ~~senior citizens~~ persons who are elderly, children, ~~disabled~~ persons with disabilities, ~~drug and alcohol abusers~~ persons with a substance use disorder, and persons requiring employment to eliminate their need for public assistance. The authority herein granted is not in derogation of other local powers to allocate funds.

Sec. 153. 24 V.S.A. § 2694 is amended to read:

§ 2694. ESTABLISHMENT OF HOMES

A town may build, purchase, or lease home to provide housing for ~~the aged people who are elderly~~ or persons entitled to receive aid and assistance under this title. It may purchase land and appropriate funds for those purposes.

Sec. 154. 24 V.S.A. § 3303 is amended to read:

§ 3303. COMPENSATION, CONDEMNATION

~~Such~~ The municipal corporation may agree with the owner or owners of any property, franchise, easement, or right which may be required by ~~such~~ the municipal corporation for the purposes of this chapter, as to the compensation to be paid therefor. In case of failure to agree as to ~~such~~ the compensation, or in case ~~such~~ the owner is an infant, ~~insane a person who lacks capacity to protect his or her interests due to a mental condition or psychiatric disability,~~ absent from the state, unknown, or the owner of a contingent interest, the ~~superior court~~ Superior Court within and for the county where the subject property is situated on the petition of either party, may cause ~~such~~ the notice to be given of ~~such~~ the petition as the presiding judge of ~~said~~ the court may prescribe. After proof thereof, ~~such~~ the presiding judge may appoint three disinterested persons as commissioners to examine ~~such~~ the property to be taken, or damaged by ~~such~~ the municipal corporation. ~~Such~~ The commissioners after being duly sworn, upon due notice to all parties in interest, shall view the premises, hear the parties in respect to ~~such~~ the property, and shall assess and award to ~~such~~ the owners and persons so interested just damages for any injury sustained as aforesaid and make report in writing to ~~such~~ the presiding judge. The presiding judge may thereupon accept ~~such~~ the report, unless just cause is shown to the contrary. ~~Such~~ The

presiding judge may order ~~such the~~ the municipal corporation to pay the same in ~~such the~~ the time and manner as he or she may prescribe, in full compensation for the property taken, or the injury done by ~~such the~~ the municipal corporation, or ~~such the~~ the presiding judge may reject or recommit ~~such the~~ the report if the ends of justice so require. On compliance with ~~such the~~ the order, ~~such the~~ the municipal corporation may proceed with the construction of its work without liability for further claim for damages. ~~Such The~~ The presiding judge may award costs in ~~such the~~ the proceeding in his or her discretion. ~~Such The~~ The cause may be transferred to the ~~supreme court~~ Supreme Court as provided in ~~section 12~~ V.S.A. § 4601 of ~~Title 12.~~

Sec. 155. 24 V.S.A. § 3609 is amended to read:

§ 3609. COMPENSATION, CONDEMNATION

When an owner of land or rights therein and the ~~board~~ Board are unable to agree on the amount of compensation therefor or in case ~~such the~~ the owner is an infant, ~~insane~~ a person who lacks capacity to protect his or her interests due to a mental condition or psychiatric disability, absent from the ~~state~~ State, unknown, or the owner of a contingent or uncertain interest, a superior judge may, on the application of either party, cause ~~such the~~ the notice to be given of ~~such the~~ the application as he or she may prescribe, and after proof thereof, may appoint three disinterested persons to examine ~~such the~~ the property to be taken, or damaged by ~~such the~~ the municipal corporation. After being duly sworn, the commissioners shall, upon due notice to all parties in interest, view the premises, hear the parties in respect to ~~such the~~ the property, and shall assess and award to ~~such the~~ the owners and persons so interested just damages for any injury sustained and make report in writing to ~~such the~~ the judge. In determining damages resulting from the taking or use of property under the provisions of this chapter, the added value, if any, to the remaining property or right therein which inures directly to the owner thereof as a result of ~~such the~~ the taking or use as distinguished from the general public benefit, shall be considered. The judge may thereupon accept ~~such the~~ the report, unless just cause is shown to the contrary, and order ~~such the~~ the municipal corporation to pay the same in ~~such the~~ the time and manner as ~~such the~~ the judge may prescribe, in full compensation for the property taken, or the injury done by ~~such the~~ the municipal corporation, or the judge may reject or recommit the report if the ends of justice so require. On compliance with ~~such the~~ the order, ~~such the~~ the municipal corporation may proceed with the construction of its work without liability for further claim for damages. In his or her discretion, the judge may award costs in ~~such the~~ the proceeding. Appeals from the order may be taken to the ~~supreme court~~ Supreme Court under 12 V.S.A. chapter 102 of ~~Title 12.~~

Sec. 156. 24 V.S.A. § 4001(4) is amended to read:

(4) That substandard and decadent areas exist in certain portions of the ~~state~~ State of Vermont and that there is not, in certain parts of ~~said state~~ the State, an adequate supply of decent, safe, and sanitary housing for persons of low income or ~~elderly~~ persons who are elderly and of low income, or both available for rents which ~~such~~ the persons can afford to pay, and the rents which ~~such~~ the persons can afford to pay would not warrant private enterprise in providing housing for ~~such~~ the persons; that this situation tends to cause an increase and spread of communicable and chronic disease; that the lack of properly constructed dwelling units designed specifically to meet the needs of ~~elderly~~ persons who are elderly aggravate those diseases peculiar to ~~the~~ persons who are elderly, thereby crowding the hospitals of the ~~state~~ State with ~~elderly~~ persons who are elderly under conditions of ~~illness~~ neglect that ~~inevitably invite further senility~~ exacerbate mental deterioration; that this situation constitutes a menace to the health, safety, welfare, and comfort of the inhabitants of the ~~state~~ State and is detrimental to property values in the localities in which it exists; that this situation cannot readily be remedied by the private enterprise and that a public exigency exists which makes the provision of housing for ~~elderly~~ persons who are elderly and of low income and the clearance of substandard and decadent areas a public necessity; that the provision of housing for ~~elderly~~ persons who are elderly and of low income for the purpose of reducing the cost to the ~~state~~ State of their care by promoting their health and welfare, thereby prolonging their productivity in the interest of the ~~state~~ State and nation and the clearance of substandard and decadent areas is declared to be a public use for which private property may be taken by eminent domain and public funds raised by taxation may be expended, and the necessity in the public interest for provisions hereinafter enacted, is hereby declared as a matter of legislative determination.

Sec. 157. 24 V.S.A. § 4002 is amended to read:

§ 4002. DEFINITIONS

* * *

(10) "Housing project" shall mean any work or undertaking:

(A) To demolish, clear, or remove buildings from any slum area; ~~such~~ the work or undertaking may embrace the adaptation of ~~such~~ the area to public purposes and including parks or other recreational or community purposes;

(B) To provide decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for persons of low income and accommodations for ~~elderly~~ persons who are elderly and of low income, ~~such~~

the work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes; or

(C) To accomplish a combination of the foregoing. The term “housing project” also may be applied to the planning of buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of improvements, and all other work in connection therewith.

(11) “Persons of low income” shall mean persons or families, who are elderly or otherwise, who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings without overcrowding. The term “elderly” shall mean a person who has attained retirement age as defined in Section 216(a) of the federal Social Security Act or is under a disability as defined in Section 223 of that act.

* * *

Sec. 158. 24 V.S.A. § 4003(b) is amended to read:

(b) The governing body shall adopt a resolution declaring that there is a need for a housing authority in the municipality, if it shall find:

(1) That unsanitary or unsafe inhabited dwelling accommodations exist in ~~such~~ the municipality; or

(2) That there is a shortage of safe or sanitary dwelling accommodations in ~~such~~ the municipality available to persons of low income ~~and/or elderly or~~ persons ~~of a low income~~ who are elderly, or both, at rentals they can afford. In determining whether accommodations are unsafe or unsanitary, ~~said~~ the governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space, and access available to the inhabitants of ~~such~~ the accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in ~~such~~ the buildings which endanger life or property by fire or other causes.

Sec. 159. 24 V.S.A. § 4008 is amended to read:

§ 4008. POWERS

* * *

(6) Within its area of operation: to investigate into living, dwelling, and housing conditions and into the means and methods of improving ~~such~~ the

conditions; to determine where slum areas exist or where there is a shortage of decent, safe, and sanitary dwelling accommodations for persons of low income as well as ~~elderly~~ elderly persons who are elderly and of low income; to make studies and recommendations relating to the problem of clearing, replanning, and reconstructing of slum areas and to cooperate with all urban renewal agencies on the problem of providing dwelling accommodations for persons of low income and to cooperate with the municipality, the ~~state~~ State, or any political subdivision thereof in action taken in connection with such problem and to engage in research, studies, and experimentation of the subject of housing.

* * *

(8) To provide an adequate number of dwelling units, especially designed for occupation by ~~elderly~~ elderly persons who are elderly when a survey by the authority indicates a need ~~therefore~~ therefor. ~~Elderly persons~~ Persons who are elderly shall have priority in the rental of such units.

* * *

Sec. 160. 24 V.S.A. § 4010(a)(1) is amended to read:

(1) It may rent or lease the dwelling accommodations therein only to persons of low income or ~~elderly~~ elderly persons who are elderly and of low income, or both.

Sec. 161. 24 V.S.A. § 4302(c)(11)(D) is amended to read:

(D) Accessory apartments within or attached to ~~single family~~ single-family residences which provide affordable housing in close proximity to cost-effective care and supervision for relatives or ~~disabled or elderly~~ persons who have a disability or are elderly should be allowed.

Sec. 162. 24 V.S.A. § 4412 is amended to read:

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

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

(1) Equal treatment of housing and required provisions for affordable housing.

* * *

(G) A residential care home or group home to be operated under state licensing or registration, serving not more than eight persons who have a ~~handicap or~~ disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home.

* * *

Sec. 163. 24 V.S.A. § 5091 is amended to read:

§ 5091. FUNDING

* * *

(h) Applicants for state funding shall meet the requirements of federal laws and regulations relating to fiscal accountability and accessibility by ~~the disabled persons with a disability.~~

(i) To implement the public transportation policy goals set forth in section 5083 of this title and 19 V.S.A. § 10f, the ~~agency of transportation~~ Agency of Transportation shall use the following formula for distribution of operating funds to public transit systems:

(1) [Deleted.]

(A) 10 percent based on the percentage of the ~~state's elderly~~ State's population who are elderly (persons ~~aged~~ age 60 and above) in each of the designated transit service areas;

(B) 10 percent based on the percentage of the ~~state's~~ State's youth population (persons ~~aged~~ ages 12 through 17) in each of the designated transit service areas;

(C) 10 percent based on the percentage of the ~~state's mobility limited~~ State's population of people who have limited physical mobility in each of the designated transit service areas;

(D) 10 percent based on the percentage of the ~~state's~~ State's population of people who are in poverty in each of the designated transit service areas;

(E) 10 percent based on the percentage of the ~~state's~~ State's households lacking access to an automobile in each of the designated transit service areas.

* * *

Sec. 164. [Deleted.]

Sec. 165. 24 App. V.S.A. chapter 5 § 1201 is amended to read:

§ 1201. ASSESSMENT OF TAXES AND ESTABLISHMENT OF TAX RATE

The city council shall assess such taxes upon the grand list of the city as the city at any annual or special meeting warned for that purpose and may vote for the payment of debts and current expenses of the city, for carrying out any of

the purposes of this charter, for the support of schools in ~~said~~ the city, and for the payment of all state and county taxes and obligations imposed upon ~~said~~ the city by law. The vote of the city shall be upon the specific sum of budgeted tax appropriation for the support of all city departments, grants, schools, recreation, and ~~senior citizens~~ persons who are elderly. The city council shall establish a tax rate based upon the true grand list as appraised by the city assessor, and shall deliver the same to the city treasurer for computation and collection. Any general statutory provisions insofar as they pertain to expressing in the vote the specific sum or rate per cent on the dollar of the grand list for highway purposes or other necessary expenditures shall not apply to any action taken by the City of Montpelier in regard to voting money for city purposes.

Sec. 166. 24 App. V.S.A. chapter 123 § 902(6) is amended to read:

(6) In any case where damages or compensation to owners of, and other persons interested in, the water so taken, or ~~such~~ land as may be used for laying, extending, constructing, and maintaining ~~such~~ the aqueduct, and for ~~such~~ the reservoirs and appurtenances, is not adjusted by agreement, or if the owners thereof be a minor, ~~insane~~ or a person who lacks capacity to protect his or her interests due to a mental condition or psychiatric disability, or out of the ~~state~~ State, or otherwise incapacitated to sell or convey, the same shall be fixed by the Board of Selectmen after hearing all parties interested, ~~such~~ the hearing to be had upon written notice of the time and place thereof, given at least six days before ~~said~~ the hearing, file their award in the ~~town clerk's~~ Town Clerk's office in the town or towns where the property in question is situated, and cause the same to be recorded in the land records of ~~said~~ the town or towns.

Sec. 167. 24 App. V.S.A. chapter 207 § 5(e) is amended to read:

(e) When a vacancy occurs in any of ~~said~~ the offices by reason of ~~non-acceptance~~ nonacceptance, death, removal, ~~insanity~~, refusal to act, moved from village, inability to perform duties due to a mental condition or psychiatric disability, or from any other cause, ~~said~~ the corporation may fill ~~such~~ the vacancy by a new election, for the unexpired term at any legal meeting. The board of trustees may, by temporary appointment, fill any ~~such~~ vacancy, and the persons so appointed shall hold office until their successors are elected and qualified. A record of ~~such~~ the appointment shall be recorded in the office of the clerk of ~~said~~ the corporation.

Sec. 168. 24 App. V.S.A. chapter 215 § 902 is amended to read:

§ 902. ASSESSING DAMAGES

In the event that ~~said~~ the village and any owner of land over which it may be desirable to pass with the poles and wires of ~~said~~ the plants, or of land,

water power, or ~~rights-of-way~~ rights-of-way, which it may need for the construction and operation of ~~said the~~ the plant, cannot agree upon the damages to be paid to ~~such the~~ the owner for ~~such the~~ the passage or ~~right-of-way~~ right-of-way, or for ~~such the~~ the land or water power, or if ~~such the~~ the owner be a minor or out of the state, or ~~is insane~~ a person who lacks capacity to protect his or her interests due to a mental condition or psychiatry disability, or otherwise incapable to sell and convey ~~such the~~ the real estate or rights therein, the same proceedings shall be had for assessing such damages as are provided in section 302 of this charter, for compensating the owners of land taken for the construction and maintenance of a sewer or main drain, for ~~said the~~ the village.

Sec. 169. 24 App. V.S.A. chapter 219 § 29 is amended to read:

§ 29. ELECTRIC LIGHT PLANT; DAMAGES

In the event the village and any owner of land over which it may be desirable to pass with the poles and wires of a plant or which the village may need for the operation of the plant cannot agree upon the damages to be paid to the owner for ~~such the~~ the passage or right-of-way, and the owner is a minor, ~~insane~~ a person who lacks capacity to protect his or her interests due to a mental condition or psychiatric disability, or out of ~~state~~ State, or otherwise incapable to sell and convey, the same proceedings shall be had for assessing such damages as are provided for compensating the owners of water or lands taken for the construction and maintenance of a water plant for the village.

Sec. 170. 24 App. V.S.A. chapter 235 § 75 is amended to read:

§ 75. DAMAGES AND COMPENSATION RELATED TO CONSTRUCTION OF WATER SUPPLY SYSTEM

In any case where damage or compensation to owners of, and other persons interested in, the water so taken, or ~~such~~ the land as may be used for laying, extending, constructing, and maintaining ~~such the~~ the aqueduct, and for ~~such the~~ the reservoirs and appurtenances, is not adjusted by agreement, or if the owner thereof be a minor, ~~insane~~ person who lacks capacity to protect his or her interests due to a mental condition or major psychiatric disability, or out of the ~~state~~ State, or otherwise incapacitated to sell and convey, the same shall be fixed by the board of water commissioners after hearing all parties interested, ~~such the~~ the hearing to be had upon written notice of the time and place thereof, given at least six days before ~~said the~~ the hearing, and ~~said the~~ the water commissioners shall, within ten days after ~~said the~~ the hearing, file their award in the town clerk's office in the town or towns where the property in question is situated, and cause the same to be recorded in the land records of ~~said the~~ the town or towns.

Sec. 171. 24 App. V.S.A. chapter 235 § 92 is amended to read:

§ 92. DAMAGES AND COMPENSATION RELATED TO CONSTRUCTION OF ELECTRIC POWER SYSTEM

In any case where damage or compensation to owners of or other persons interested in the water powers so taken, or such land as may be used for laying, extending, constructing, and maintaining ~~such the~~ the electric light plant and reservoirs and appurtenances is not adjusted by agreement, or if the owner thereof be a minor, ~~insane~~ a person who lacks capacity to protect his or her interests due to a mental condition or psychiatric disability, or out of the ~~state~~ State, or otherwise incapacitated to sell and convey, the same shall be fixed by the board of electric light commissioners after hearing the parties interested; ~~such the~~ the hearing to be had upon written notice of the time and place thereof, given at least six days before ~~said the~~ the hearing; and ~~said the~~ the electric light commissioners shall within ten days after ~~said the~~ the hearing file its award in the town clerk's office in the town or towns where the property in question is situated and to cause the same to be recorded in the land records in ~~said the~~ the town or towns.

Sec. 172. 24 App. V.S.A. chapter 257 § 210(a) is amended to read:

(a) The office of an elected official shall become vacant upon his or her death; resignation; removal from office in any manner authorized by law; forfeiture of his or her office; removal from the Village, except if the Village elects an individual holding a town office to hold the same Village office; or permanent physical or mental ~~disability condition~~ condition resulting in decreased ability to perform his or her duties all as determined by the Board of Trustees.

Sec. 173. 24 App. V.S.A. chapter 261 § 29 is amended to read:

§ 29. DAMAGES, HOW FIXED

In any case where damage or compensation to owners of, and other person interested in, the water so taken, or such land as may be used for laying, extending, constructing, and maintaining ~~such the~~ the aqueduct, and for ~~such the~~ the reservoirs and appurtenances, is not adjusted by agreement or if the owner thereof be a minor, ~~insane~~ a person who lacks capacity to protect his or her interests due to a mental condition or psychiatric disability, or out of the ~~state~~ State, or otherwise incapacitated to sell and convey, the same shall be fixed by the board of trustees after hearing of all parties interested, ~~such the~~ the hearing being had upon written notice of the time and place thereof, given at least ten days before ~~said the~~ the hearing, and ~~said the~~ the trustees shall, within ten days after ~~said the~~ the hearing file their award in the town clerk's office in the town or towns where the property is situated, and cause the same to be recorded in the land records of ~~said the~~ the town or towns.

Sec. 174. ~~[Deleted.]~~

Sec. 175. 26 V.S.A. § 1446 is amended to read:

§ 1446. DIRECTORS OF CORPORATION

The ~~board of directors~~ Board of Directors of the Vermont Program for Quality in Health Care, Inc. shall include the ~~commissioner of the department of health~~ Commissioner of Health and two ~~directors~~ Directors, each of whom represents at least one of the following populations: people who are elderly, people with disabilities, or people with low income individuals.

Sec. 176. 26 V.S.A. § 1751 is amended to read:

§ 1751. APPLICATION OF LAWS; RIGHTS

Osteopathic physicians and surgeons shall be subject to the provisions of law relating to communicable diseases and to the granting of certificates of births and deaths and the issuance of certificates relating to the commitment of ~~mentally ill~~ individuals with a mental illness, and such reports and certificates shall be accepted by the office or department to whom the same are made or presented, equally with the reports and certificates of physicians of any other school of medicine; and such physicians shall have the same rights with respect to the rendering of medical services under the provisions of public health, welfare, and assistance laws and rules.

Sec. 177. 26 V.S.A. § 3261(2) is amended to read:

(2) “Clinical mental health counseling” means providing, for a consideration, professional counseling services that are primarily drawn from the theory and practice of psychotherapy and the discipline of clinical mental health counseling, involving the application of principles of psychotherapy, human development, learning theory, group dynamics, and the etiology of mental illness and dysfunctional behavior to individuals, couples, families, and groups, for the purposes of treating psychopathology and promoting optimal mental health. The practice of clinical mental health counseling includes diagnosis and treatment of mental conditions or psychiatric disabilities and emotional disorders, psychoeducational techniques aimed at the prevention of such ~~disorders~~ conditions or disabilities, consultations to individuals, couples, families, groups, organizations, and communities, and clinical research into more effective psychotherapeutic treatment modalities.

Sec. 178. 26 V.S.A. § 3281(4) is amended to read:

(4) “Hearing aid” means an amplifying device to be worn by a ~~hearing impaired~~ person who is hard of hearing to improve hearing, including any accessories specifically used in connection with such a device, but excluding ~~theater~~ theater- or ~~auditorium-wide-area~~ auditorium-wide-area

listening devices, telephone amplifiers, or other devices designed to replace a hearing aid for restricted situations.

Sec. 179. 26 V.S.A. § 3295(b) is amended to read:

(b) The examination shall cover the following: the basic physics of sound, anatomy, and physiology of the ear, structure and function of hearing aids, pure tone audiometry, voice and recorded speech audiometry, interpretation of audiograms as related to hearing aid usage, selection and adaptation of hearing aids, counseling ~~the hearing impaired~~ people who are hard of hearing, identifying situations in which referrals to a physician are appropriate, knowledge of medical and rehabilitation facilities for ~~the hearing impaired~~ people who are hard of hearing in this ~~state~~ State and state and federal laws relating to dispensing hearing aids and other areas of knowledge determined by the ~~director~~ Director to be necessary.

Sec. 180. 26 V.S.A. § 3351(6) is amended to read:

(6) “Occupational therapy services” include, ~~but are not limited to:~~

* * *

(F) evaluating and providing intervention in collaboration with the ~~client~~ individual receiving treatment, family, caregiver, or others;

(G) educating the ~~client~~ individual receiving treatment, family, caregiver, or others in carrying out appropriate nonskilled interventions;

* * *

Sec. 181. 26 V.S.A. § 4031(6) is amended to read:

(6) “Marriage and family services” means the diagnosis and treatment of ~~nervous and mental disorders~~ conditions or disabilities, whether cognitive, affective, or behavioral, from the context of marital and family systems. It further involves the professional application of psychotherapeutic and family systems theory and technique in the delivery of services to individuals, couples, and families for the purpose of treating such diagnosed ~~nervous and mental disorders~~ conditions or disabilities.

Sec. 182. 26 V.S.A. § 4451 is amended to read:

§ 4451. DEFINITIONS

* * *

(7) “Hearing aid” means an amplifying device to be worn by a ~~hearing impaired~~ person who is hearing impaired to improve hearing, including any accessories specifically used in connection with such a device, but excluding theater or auditorium wide-area listening devices, telephone

amplifiers, or other devices designed to replace a hearing aid for restricted situations.

(8) "Practice of audiology" includes:

* * *

(I) providing aural rehabilitation and related counseling services to ~~hearing-impaired~~ individuals who are hearing impaired and their families;

* * *

(9) "The practice of speech-language pathology" includes:

* * *

(E) providing aural rehabilitation and related counseling services to ~~hearing-impaired~~ individuals who are hard of hearing and their families;

* * *

Sec. 183. 26 V.S.A. § 4464(b) is amended to read:

(b) Unprofessional conduct means the following conduct and the conduct set forth in ~~section 3 V.S.A. § 129a of Title 3:~~

* * *

(10) Sexual harassment of a patient ~~or client~~;

* * *

Sec. 184. 27 V.S.A. § 143 is amended to read:

§ 143. SPOUSE ~~INSANE~~ WITH A MENTAL CONDITION OR PSYCHIATRIC DISABILITY

(a) When the ~~wife or husband~~ spouse of an owner of a homestead ~~is insane~~ lacks capacity to protect his or her interests due to a mental condition or psychiatric disability and the owner desires to convey it or an interest therein, he or she may petition the ~~probate division of the superior court~~ Probate Division of the Superior Court in the district in which the homestead is situated for a license to convey the same. Upon not less than ten days' notice of ~~such~~ the petition to the kindred of ~~such insane wife or husband~~ the spouse who lacks capacity to protect his or her interests due to a mental condition or psychiatric disability residing in the ~~state~~ State, and to the selectmen of the town in which ~~such~~ the homestead is situated, which notice may be personal or by publication, ~~such~~ the court may hear and determine ~~such~~ the petition and may license the owner or convey ~~such~~ the homestead, or an interest therein, by his or her sole deed. ~~Such~~ The license shall be recorded in the office where a deed of ~~such~~ the homestead is required to be recorded and ~~such~~ the sole deed shall

have the same effect as if ~~such wife or husband~~ the spouse has ~~been sane~~ the capacity to protect his or her interests and had joined therein.

* * *

Sec. 185. 27 V.S.A. § 1331 is amended to read:

§ 1331. DEFINITIONS

As used in this subchapter:

(1) “Comparable housing” means housing that is decent, safe, sanitary, and in compliance with all local and state housing codes, and provided with facilities equivalent to those provided by the landlord in the dwelling unit in which the tenant then resides in regard to each of the following: apartment size, rent range, major kitchen and bathroom facilities, special facilities necessary for ~~the handicapped or infirmed~~ persons with disabilities or who have an infirmity, and desirability of neighborhood, school facilities, or area.

* * *

(4) “~~Elder tenant~~ Tenant who is elderly” means a tenant who is 62 years of age or older.

(5) “~~Handicapped tenant~~ Tenant with a disability” means a tenant who has a physical or mental impairment which restricts one or more major life activities, including functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.

* * *

Sec. 186. 27 V.S.A. § 1333 is amended to read:

§ 1333. CONVERSION BUILDING; NOTICE TO TENANTS

(a) If the building to be converted consists of more than five dwelling units or if the building to be converted is part of an apartment complex or is one building in a group of buildings which are contiguous or which share common areas, the landlord shall give to each tenant the following minimum written notice to vacate or purchase the unit: two years to ~~elder and handicapped~~ tenants who are elderly or have a disability; one year to low-income tenant households; six months to all other tenants.

(b) If the building to be converted consists of five or fewer dwelling units, the landlord shall give to each tenant the following minimum written notice to vacate or purchase the unit: one year to ~~elder and handicapped~~ tenants who are elderly or have a disability; six months to low-income tenant households; three months to all other tenants. A landlord may not circumvent the longer notice requirements by converting a building consisting of five or fewer dwelling

units if the conversion is part of a plan to convert more than five dwelling units.

* * *

Sec. 187. 28 V.S.A. § 502a(d) is amended to read:

(d) Notwithstanding subsection (a) of this section, or any other provision of law to the contrary, any inmate who is serving a sentence, including an inmate who has not yet served the minimum term of the sentence, who is diagnosed as ~~suffering from~~ having a terminal or debilitating condition so as to render the inmate unlikely to be physically capable of presenting a danger to society, may be released on medical parole to a hospital, hospice, other licensed inpatient facility, or suitable housing accommodation as specified by the parole board. The ~~department~~ Department shall promptly notify the parole board upon receipt of medical information of an inmate's diagnosis of a terminal or debilitating condition.

Sec. 188. 28 V.S.A. § 702(b) is amended to read:

(b) The ~~commissioner~~ Commissioner shall have the authority to transfer a person under arrest and charged with any offense, or convicted but not yet sentenced, from the correctional facility at which the person is detained to any other facility if the ~~commissioner~~ Commissioner determines that the person cannot be kept properly or safely at the correctional facility at which he or she is detained. If the ~~commissioner~~ Commissioner determines that such person has manifested a ~~mental illness~~ psychiatric disability requiring treatment, the ~~commissioner~~ Commissioner shall have the authority to initiate transfer proceedings pursuant to section 703 of this title.

Sec. 189. 28 V.S.A. § 808(e) is amended to read:

(e) The ~~commissioner~~ Commissioner may place on medical furlough any offender who is serving a sentence, including an offender who has not yet served the minimum term of the sentence, who is diagnosed as ~~suffering from~~ with a terminal or debilitating condition so as to render the offender unlikely to be physically capable of presenting a danger to society. The ~~commissioner~~ Commissioner shall develop a policy regarding the application for, standards for eligibility of, and supervision of persons on medical furlough. The offender may be released to a hospital, hospice, other licensed inpatient facility, or other housing accommodation deemed suitable by the ~~commissioner~~ Commissioner.

Sec. 190. 28 V.S.A. chapter 11, subchapter 6 is amended to read:

Subchapter 6. Services for Inmates with Serious Mental Illness

§ 906. DEFINITIONS

As used in this subchapter:

(1) “Serious functional impairment” means:

(A) a disorder of thought, mood, perception, orientation, or memory as diagnosed by a qualified mental health professional, which substantially impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and which substantially impairs the ability to function within the correctional setting; or

(B) a developmental disability, traumatic brain injury or other organic brain disorder, or various forms of dementia or other neurological disorders, as diagnosed by a qualified mental health professional, which substantially impairs the ability to function in the correctional setting.

(2) “Qualified mental health professional” means a person with professional training, experience, and demonstrated competence in the treatment of mental ~~illness conditions or psychiatric disabilities~~ or serious functional impairments who is a physician, psychiatrist, psychologist, social worker, nurse, or other qualified person determined by the ~~commissioner of mental health~~ Commissioner of Mental Health.

(3) “~~Mental illness~~ Mental condition or psychiatric disability or disorder” means a condition that falls under any Axis I diagnostic categories or the following Axis II diagnostic categories as listed in the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders DSM-IV-TR Fourth Edition (Text Revision), as updated from time to time: borderline personality disorder, histrionic personality disorder, ~~mental retardation~~ intellectual disability, obsessive-compulsive personality disorder, paranoid personality disorder, schizoid personality disorder, or schizotypal personality disorder.

(4) “Screening” means an initial survey, which shall be trauma-informed, to identify whether an inmate has immediate treatment needs or is in need of further evaluation.

§ 907. MENTAL HEALTH SERVICE FOR INMATES; POWERS AND RESPONSIBILITIES OF COMMISSIONER

The ~~commissioner~~ Commissioner shall administer a program of trauma-informed mental health services which shall be available to all inmates

and shall provide adequate staff to support the program. The program shall provide the following services:

(1) Within 24 hours of admittance to a correctional facility, all inmates shall be screened for any signs of ~~mental illness~~ mental condition or psychiatric disability or disorder, or serious functional impairment. If as a result of the screening it is determined that the inmate is receiving services under the developmental disabilities home and community based services waiver or is currently receiving community rehabilitation and treatment services, he or she will automatically be designated as having a serious functional impairment.

(2) A thorough trauma-informed evaluation, conducted in a timely and reasonable fashion by a qualified mental health professional, which includes a review of available medical and psychiatric records. The evaluation shall be made of each inmate who:

(A) has a history of ~~mental illness~~ a mental condition or psychiatric disability or disorder;

(B) has received community rehabilitation and treatment services; or

(C) shows signs or symptoms of ~~mental illness~~ a mental condition or psychiatric disability or disorder or of serious functional impairment at the initial screening or as observed subsequent to entering the facility.

(3) The development and implementation of an individual treatment plan, when a clinical diagnosis by a qualified mental health professional indicates an inmate ~~is suffering from mental illness~~ has a mental condition or psychiatric disability or disorder or from serious functional impairment. The treatment plan shall be developed in accordance with best practices and explained to the inmate by a qualified mental health professional.

(4) Access to a variety of services and levels of care consistent with the treatment plan to inmates ~~suffering mental illness~~ with a mental condition or psychiatric disability or disorder or serious functional impairment. These services shall include, as appropriate, the following:

* * *

(5) Proactive procedures to seek and identify any inmate who has not received the enhanced screening, evaluation, and access to mental health services appropriate for inmates ~~suffering from a mental illness~~ with a mental condition or psychiatric disability or disorder or a serious functional impairment.

(6) Special training to medical and correctional staff to enable them to identify and initially deal with inmates with a mental illness or disorder or a serious functional impairment. This training shall include the following:

(A) Recognition of signs and symptoms of ~~mental illness~~ a mental condition or psychiatric disability or disorder or a serious functional impairment in the inmate population.

(B) Recognition of signs and symptoms of ~~chemical dependence~~ substance use or abuse and withdrawal.

(C) Recognition of adverse reactions to psychotropic medication.

(D) Recognition of improvement in the general condition of the inmate.

(E) Recognition of ~~mental retardation~~ intellectual disability.

(F) Recognition of mental health emergencies and specific instructions on contacting the appropriate professional care provider and taking other appropriate action.

(G) Suicide potential and prevention.

(H) Precise instructions on procedures for mental health referrals.

(I) Any other training determined to be appropriate.

* * *

Sec. 191. 30 V.S.A. § 209c(a) is amended to read:

(a) The ~~board of public service~~ Public Service Board shall design a proposed electricity affordability program in the form of draft legislation. The program shall be developed with the aid of an electricity affordability program collaborative. The collaborative, composed of representatives from the electric utilities, residential customers, consumer representatives, ~~low-income~~ low-income program representatives, ~~elderly program~~ representatives from programs for people who are elderly, the ~~department of public service~~ Department of Public Service, the ~~department of human services~~ Agency of Human Services, and other stakeholders identified by the ~~board~~ Board, shall aid in the development of an electricity affordability program, as well as requirements for the implementation and funding of the program. The proposed electricity affordability program will be presented to the Vermont ~~general assembly~~ General Assembly in the form of draft legislation for consideration in January 2007.

Sec. 192. 30 V.S.A. § 218a is amended to read:

§ 218a. PERMANENT TELECOMMUNICATIONS RELAY SERVICE

* * *

(c) The ~~department of public service~~ Department of Public Service may contract with the qualified bidder offering the most favorable proposal, giving due consideration to costs, to quality of service, and to the interests of the community of people who are deaf, hearing impaired, and speech impaired ~~community hard of hearing, or have speech limitations.~~

(d) The ~~department of public service~~ Department of Public Service shall establish a Vermont ~~telecommunications relay service advisory council~~ Telecommunications Relay Service Advisory Council composed of the following members: one representative of the ~~department of public service~~ Department of Public Service, who shall act as chair and who shall be designated by the ~~commissioner of public service~~ Commissioner of Public Service; one representative of the ~~department of disabilities, aging, and independent living~~ Department of Disabilities, Aging, and Independent Living, who shall act as ~~vice chair~~ vice chair; two representatives of the deaf community; one member of the community of people who are hard of hearing or have a speech impaired community limitation; one representative of a company providing local exchange service within the ~~state~~ State; and one representative of an organization currently providing telecommunications relay services. The members of the ~~council~~ Council who are not officers or employees of the ~~state~~ State shall receive per diem compensation and expense reimbursement in amounts authorized by ~~subsection 32 V.S.A. § 1010(b) of Title 32.~~ The costs of such compensation and reimbursement, and any other necessary administrative costs shall be included within the contract entered into under subsection (c) of this section. The ~~Vermont telecommunications relay service advisory council~~ Council shall advise the ~~department of public service~~ Department of Public Service and the contractor for telecommunications relay services on all matters concerning the implementation and administration of the ~~state's~~ State's telecommunications relay service.

(e) The ~~department~~ Department shall propose and the ~~board~~ Board shall establish by rule or order a telecommunications equipment grant program to assist persons who are deaf, deaf-blind, hard of hearing impaired persons, have a speech impaired persons limitation, and persons with physical disabilities that limit their ability to use standard telephone equipment to communicate by telephone. Pursuant to this program a person who is deaf, deaf-blind, hard of hearing impaired person, has a speech impaired person limitation, or a person with a physical disability that limits his or her ability to use standard telephone

equipment whose modified adjusted gross income as defined in ~~subdivision 32 V.S.A. § 5829(b)(1) of Title 32~~ for the preceding taxable year was less than 200 percent of the official poverty line established by the ~~federal~~ U.S. Department of Health and Human Services for a family of six or the actual number in the family, whichever is greater, published as of October 1 of the preceding taxable year, may be eligible for a benefit towards the purchase, upgrade, or repair of equipment used to access the relay service or otherwise communicate by telephone. The total benefits allocable under this section shall not exceed \$75,000.00 per year. In adopting rules, the ~~board~~ Board shall consider the following:

* * *

Sec. 193. 30 V.S.A. § 7059(a)(1) is amended to read:

(a)(1) ~~No~~ A person shall not access, use, or disclose to any other person any individually identifiable information contained in the system database created under subdivision 7053(a)(4) of this title, including any customer or user ALI or ANI information, except in accordance with rules adopted by the ~~board~~ Board and for the purpose of:

* * *

(F) coordinating with state and local service providers for the provision of emergency dispatch services that serve individuals with a disability, ~~elderly~~ individuals who are elderly, and other populations with special needs populations.

Sec. 194. 31 V.S.A. chapter 19 is amended to read:

CHAPTER 19. LEISURE TIME AND BENEFITS FOR ~~THE~~ PEOPLE WHO ARE ELDERLY

* * *

§ 1002. GREEN MOUNTAIN PASSPORT; ELIGIBILITY

(a) Any person is eligible to obtain a Green Mountain Passport who:

(1) is:

(A) at least 62 years of age; or

(B) totally disabled as the result of disease or injury ~~suffered~~ received while serving in the ~~armed forces~~ U.S. Armed Forces; or

(C) a resident of the Vermont Veteran's Home in Bennington; and

(2) is a resident of the ~~state~~ State.

* * *

Sec. 195. 32 V.S.A. § 1591 is amended to read:

§ 1591. SHERIFFS AND OTHER OFFICERS

There shall be paid to sheriffs' departments and constables in civil causes and to sheriffs, deputy sheriffs, and constables for the transportation and care of prisoners, juveniles, and ~~mental~~ patients with a mental condition or psychiatric disability the following fees:

* * *

(2) For the transportation and care of prisoners, juveniles, and ~~mental~~ patients with a mental condition or psychiatric disability:

* * *

(C) For each mile of actual travel, for transporting prisoners, juveniles, and ~~mental~~ patients with a mental condition or psychiatric disability:

(i) five cents more per mile than the rate allowed state employees under the terms of the prevailing contract between the ~~state~~ State and the Vermont State Employees Association, Inc.; or

(ii) twenty cents more per mile than the rate allowed state employees under the terms of the prevailing contract between the ~~state~~ State and the Vermont State Employees Association, Inc. when four or more prisoners, juveniles, or people receiving mental health ~~clients~~ services are transported in a single vehicle designed to carry six or more passengers in addition to the driver.

* * *

Sec. 196. 32 V.S.A. § 5822(d)(1) is amended to read:

(d)(1) A taxpayer shall be entitled to a credit against the tax imposed under this section of 24 percent of each of the credits allowed against the taxpayer's federal income tax for the taxable year as follows: credit for people who are elderly and or permanently totally disabled ~~credit~~, investment tax credit attributable to the Vermont-property portion of the investment, and child care and dependent care credits.

Sec. 197. 32 V.S.A. § 6061(5) is amended to read:

(5) "Modified adjusted gross income" means "federal adjusted gross income":

* * *

(C) without the inclusion of: any gifts from nongovernmental sources other than those described in subdivision (B) of this subdivision (5); surplus food or other relief in kind supplied by a governmental agency; or the first

\$6,500.00 of income earned by a full-time student who qualifies as a dependent of the claimant under the federal Internal Revenue Code; the first \$6,500.00 of income received by a person who qualifies as a dependent of the claimant under the Internal Revenue Code and who is the claimant's parent or ~~disabled~~ adult child with a disability; or payments made by the ~~state~~ State pursuant to 33 V.S.A. chapters 49 and 55 ~~of Title 33~~ for foster care, or payments made by the ~~state~~ State or an agency designated in 18 V.S.A. § 8907 for adult foster care or to a family for the support of ~~an eligible~~ a person with who is eligible and who has a developmental disability. If the ~~commissioner~~ Commissioner determines, upon application by the claimant, that a person resides with a claimant who ~~is disabled~~ has a disability or was at least 62 years of age as of the end of the year preceding the claim, for the primary purpose of providing attendant care services (as defined in 33 V.S.A. § 6321) or homemaker or companionship services, with or without compensation, which allow the claimant to remain in his or her home or avoid institutionalization, the ~~commissioner~~ Commissioner shall exclude that person's modified adjusted gross income from the claimant's household income. The ~~commissioner~~ Commissioner may require that a certificate in a form satisfactory to ~~the commissioner~~ him or her be submitted which supports the claim;

* * *

Sec. 198. 32 V.S.A. § 8911(12) is amended to read:

(12) one motor vehicle owned or leased and operated by a ~~permanently physically handicapped~~ person with a permanent physical disability for whom the vehicle's controls have been altered to enable the person to drive, or owned or leased by a ~~permanently handicapped~~ person with a permanent disability or by a parent or guardian of a ~~permanently handicapped~~ person with a permanent disability for whom a mechanical lifting device has been installed to allow for entry and exit of the vehicle, provided that the ~~handicapped~~ person with a disability has been certified exempt from the tax by the ~~commissioner of motor vehicles~~ Commissioner of Motor Vehicles under the provisions of section 8901 of this title;

Sec. 198a. 32 V.S.A. § 9202(18) is amended to read:

(18) "Independent living facility" means a congregate living environment, however named, for profit or otherwise, that meets the definitions of housing complexes for older persons as enumerated in 9 V.S.A. § 4503(b) and (c), or housing programs designed to meet the needs of individuals with a ~~handicap or~~ disability as defined in 9 V.S.A. § 4501(2) and (3).

Sec. 199. 33 V.S.A. chapter 1 is amended to read:

~~CHAPTER 1. DEPARTMENT OF PREVENTION, ASSISTANCE,~~
~~TRANSITION, AND HEALTH ACCESS~~ FOR CHILDREN AND FAMILIES

* * *

Sec. 200. 33 V.S.A. § 504 is amended to read:

§ 504. DUTIES OF DEPARTMENT

(a) The ~~department~~ Department shall administer all laws and programs specifically assigned to it for administration, including:

* * *

(4) Special services, including vocational rehabilitation, for Vermonters who are blind or ~~visually impaired~~ have a visual impairment, and for Vermonters who are deaf or ~~hearing impaired~~ hard of hearing.

* * *

(c) In addition to the powers vested in it by law, the ~~department~~ Department may:

* * *

(3) Take and hold in trust for the ~~state~~ State any grant or devise of land or donation or bequest of money, or other personal property, to be applied to the maintenance of ~~developmentally disabled~~ persons with developmental disabilities.

Sec. 201. 33 V.S.A. § 701 is amended to read:

§ 701. DECLARATION OF POLICY

(a) It is the policy of the ~~state~~ State of Vermont that alcoholism and alcohol abuse are correctly perceived as health and social problems rather than criminal transgressions against the welfare and morals of the public.

(b) The ~~general assembly~~ General Assembly therefore declares that:

(1) alcoholics and alcohol abusers shall no longer be subjected to criminal prosecution solely because of their consumption of alcoholic beverages or other behavior related to consumption which is not directly injurious to the welfare or property of the public;

(2) alcoholics and alcohol abusers shall be treated as ~~sick~~ persons who are sick and shall be provided adequate and appropriate medical and other humane rehabilitative services congruent with their needs.

Sec. 202. 33 V.S.A. chapter 15 is amended to read:

CHAPTER 15. SPECIAL SERVICES FOR ~~THE PERSONS WHO ARE~~
BLIND

§ 1501. REGISTER

The ~~department of disabilities, aging, and independent living~~ Department of Disabilities, Aging, and Independent Living may prepare and maintain a register of ~~blind~~ persons who are blind in the ~~state~~ State. It shall describe their condition, cause of blindness, capacity for education and vocational training, and other pertinent data.

§ 1502. SERVICES FOR ~~THE PERSONS WHO ARE~~ BLIND

For the rehabilitation or amelioration of the condition of ~~the persons who are~~ blind, the ~~department of disabilities, aging, and independent living~~ Department of Disabilities, Aging, and Independent Living may:

(1) Ameliorate the condition of ~~the persons who are~~ blind by devising means for their adjustment, care, instruction, and well-being, including the distribution of books, promotion of visits to ~~the aged and helpless persons who are elderly and~~ blind, and by other expedient and proper means and methods.

(2) Furnish medical examinations, physical restoration, guidance and counseling, vocational training, maintenance and transportation, occupational materials, tools, equipment, and licenses.

(3) Assist ~~blind~~ persons who are blind in developing home industries and small business enterprises and marketing their products.

(4) Act as an intermediary between ~~the persons who are~~ blind and otherwise ~~handicapped persons~~ have a disability and industry for the purpose of arranging industrial homework of a subcontract nature, and pay inherent costs such as workers' compensation insurance and Social Security taxes.

(5) Contribute to the support of ~~blind~~ persons who are blind from this ~~state~~ State who are receiving instruction or training in schools or institutions outside the ~~state~~ State.

(6) Establish and maintain a revolving fund out of ~~moneys~~ monies appropriated for ~~the persons who are~~ blind, for the purpose of aiding ~~blind~~ persons who are blind to produce and sell products of their labor. Money received under this subdivision shall be paid into the revolving fund, and not into the ~~state treasury~~ State Treasury.

Sec. 203. 33 V.S.A. § 1823 is amended to read:

§ 1823. DEFINITIONS

~~For purposes of~~ As used in this subchapter:

* * *

(4) “Chronic care” means health services provided by a health care professional for an established clinical condition that is expected to last a year or more and that requires ongoing clinical management attempting to restore the individual to highest function, minimize the negative effects of the condition, prevent complications related to chronic conditions, engage in advanced care planning, and promote appropriate access to palliative care. Examples of chronic conditions include diabetes, hypertension, cardiovascular disease, cancer, asthma, pulmonary disease, substance abuse, ~~mental illness~~ mental condition or psychiatric disability, spinal cord injury, and hyperlipidemia.

* * *

(7) “Health service” means any treatment or procedure delivered by a health care professional to maintain an individual’s physical or mental health or to diagnose or treat an individual’s physical or mental ~~health~~ condition, including services ordered by a health care professional, chronic care management, preventive care, wellness services, and medically necessary services to assist in activities of daily living.

* * *

Sec. 204. 33 V.S.A. § 1901b(d) is amended to read:

(d) As used in this section:

* * *

(3) “VHAP-Pharmacy” or “VHAP-Rx” means the VHAP ~~program of state pharmaceutical assistance for~~ Program of State Pharmaceutical Assistance for Vermonters who are elderly and disabled Vermonters or have a disability with income up to and including 150 percent of the federal poverty level (hereinafter “FPL”).

(4) “VScript” means the Section 1115 ~~waiver program of state pharmaceutical assistance for~~ Waiver Program of State Pharmaceutical Assistance for Vermonters who are elderly and disabled Vermonters or have a disability with income over 150 and less than or equal to 175 percent of FPL, and administered under ~~subchapter 4 of chapter 19,~~ subchapter 4 of this title.

(5) “VScript-Expanded” means the state-funded ~~program of pharmaceutical assistance for~~ Program of Pharmaceutical Assistance for

Vermonters who are elderly and disabled Vermonters or have a disability with income over 175 and less than or equal to 225 percent of FPL, and administered under ~~subchapter 4 of chapter 19, subchapter 4~~ of this title.

Sec. 205. 33 V.S.A. § 1904(4) is amended to read:

(4) “Insurer” means any insurance company, prepaid health care delivery plan, self-funded employee benefit plan, pension fund, hospital or medical service corporation, managed care organization, pharmacy benefit manager, prescription drug plan, retirement system, or similar entity that is under an obligation to make payments for medical services as a result of an injury, illness, or disease ~~suffered~~ experienced by an individual.

Sec. 206. 33 V.S.A. § 1910 is amended to read:

§ 1910. LIABILITY OF THIRD PARTIES; LIENS

(a) The ~~agency~~ Agency shall have a lien against a third party, to the extent of the amount paid by the ~~agency~~ Agency for medical expenses, on any recovery for that claim, whether by judgment, compromise, mediation, or settlement, whenever:

(1) the ~~agency~~ Agency pays medical expenses for or on behalf of a recipient who has been injured or has ~~suffered~~ an illness or disease as a result of negligence; and

(2) the recipient asserts a claim against a third party for damages resulting from the injury, illness, or disease.

(b)(1) The ~~agency~~ Agency shall have a lien against the insurer, to the extent of the amount paid by the ~~agency~~ Agency for past medical expenses, on any recovery from the insurer, whenever the ~~agency~~ Agency pays medical expenses or renders medical services on behalf of a recipient who has been injured or has ~~suffered~~ an injury, illness, or disease; and the recipient asserts a claim against an insurer as a result of the injury, illness, or disease.

(2) Effective July 1, 2013, the recipient’s insurer or alleged liable party’s insurer, if any, shall take reasonable steps to discover the existence of the ~~agency’s~~ Agency’s medical assistance. Payment to the recipient instead of the ~~agency~~ Agency does not discharge the insurer from payment of the ~~agency’s~~ Agency’s claim.

* * *

Sec. 207. 33 V.S.A. § 1951 is amended to read:

§ 1951. DEFINITIONS

As used in this subchapter:

* * *

(2) “Core home health care services” means those ~~medically necessary~~ medically necessary skilled nursing, home health aide, therapeutic, and personal care attendant services, provided exclusively in the home by home health agencies. Core home health services do not include private duty nursing, hospice, homemaker, or physician services, or services provided under early periodic screening, diagnosis, and treatment (EPSDT), traumatic brain injury (TBI), high technology programs, or services provided by a home for ~~the persons who are terminally ill as defined in subdivision 7102(40)~~ 7102(3) of this title.

* * *

(5) “Health care provider” means any hospital, nursing home, intermediate care facility for ~~the mentally retarded~~ people with intellectual disabilities, home health agency, or retail pharmacy.

* * *

(8) “Intermediate Care Facility for ~~the Mentally Retarded~~ People with Developmental Disabilities” (“~~ICF/MR~~ ICF/DD”) means a facility which provides long-term health related care to residents with ~~mental retardation~~ developmental disability pursuant to subdivision 1902(a)(31) of the Social Security Act (42 U.S.C. § 1396a(a)(31)). Notwithstanding 1 V.S.A. § 145, in this subdivision, “developmental disability” replaces what was “mental retardation.”

* * *

Sec. 208. 33 V.S.A. § 1955 is amended to read:

§ 1955. ~~ICF/MR~~ ICF/ID ASSESSMENT

(a) Beginning October 1, 2011, each ~~ICF/MR’s~~ ICF/ID’s annual assessment shall be 5.9 percent of the ~~ICF/MR’s~~ ICF/ID’s total annual direct and indirect expenses for the most recently settled ~~ICF/MR~~ ICF/ID audit.

(b) The ~~department~~ Department shall provide written notification of the assessment amount to each ~~ICF/MR~~ ICF/ID. The assessment amount determined shall be considered final unless the facility requests a reconsideration. Requests for reconsideration shall be subject to the provisions of section 1958 of this title.

(c) Each ~~ICF/MR~~ ICF/ID shall remit its assessment to the ~~department~~ Department according to a schedule adopted by the ~~commissioner~~ Commissioner. The ~~commissioner~~ Commissioner may permit variations in the schedule of payment as deemed necessary.

(d) Any ~~ICF/MR~~ ICF/ID that fails to make a payment to the ~~department~~ Department on or before the specified schedule, or under any schedule of delayed payments established by the ~~commissioner~~ Commissioner, shall be assessed not more than \$1,000.00. The ~~commissioner~~ Commissioner may waive this late-payment assessment provided for in this subsection for good cause shown by the ~~ICF/MR~~ ICF/ID.

Sec. 209. 33 V.S.A. § 1974(c)(1)(A) is amended to read:

(A) “Chronic care” means health services provided by a health care professional for an established clinical condition that is expected to last a year or more and that requires ongoing clinical management attempting to restore the individual to highest function, minimize the negative effects of the condition, and prevent complications related to chronic conditions. Examples of chronic conditions include diabetes, hypertension, cardiovascular disease, cancer, asthma, pulmonary disease, substance abuse, ~~mental illness~~ mental condition or psychiatric disability, spinal cord injury, and hyperlipidemia.

Sec. 210. 33 V.S.A. § 2074(b) is amended to read:

(b) VermontRx shall provide:

(1) the same pharmaceutical coverage as the Medicaid program to individuals who are elderly ~~individuals~~ and individuals with disabilities whose income is no greater than 150 percent of the federal poverty guidelines; and

(2) maintenance drugs to individuals who are elderly ~~individuals~~ and individuals with disabilities whose income is greater than 150 percent and no greater than 225 percent of the federal poverty guidelines.

Sec. 211. 33 V.S.A. § 2078 is amended to read:

§ 2078. EDUCATION AND OUTREACH

The ~~department of disabilities, aging, and independent living~~ Department of Disabilities, Aging, and Independent Living shall conduct ongoing education and outreach to inform ~~elderly~~ elderly Vermonters who are elderly and Vermonters with disabilities of the benefits they may be entitled to pursuant to this subchapter, make available information concerning pharmaceutical assistance programs, and minimize any confusion and duplication of pharmaceutical coverage resulting from a multiplicity of pharmaceutical programs.

Sec. 212. 33 V.S.A. § 2501a(c) is amended to read:

(c) A ~~home energy assistance task force~~ Home Energy Assistance Task Force shall advise the ~~office of home energy assistance~~ Office of Home Energy Assistance. The ~~task force~~ Task Force shall be composed of the commissioner of the designated department or the commissioner’s designee, one member of

the ~~low income~~ low-income community selected by the ~~low income advocacy council~~ Vermont Low Income Advocacy Council, Inc., one representative of ~~the people who are~~ elderly selected by the ~~coalition of Vermont elders~~ Community of Vermont Elders, one representative of people with disabilities selected by the Vermont ~~coalition for disability rights~~ Coalition for Disability Rights, one representative of unregulated fuel providers selected by unregulated fuel providers, one representative of electric utilities selected by the electric utilities, one representative of gas utilities selected by the gas utilities, one representative of the ~~state economic opportunity office~~ State Economic Opportunity Office, and one representative of the ~~public service department~~ Department of Public Service. If any constituency group cannot agree on its representative, the ~~secretary~~ Secretary shall make those selections. Members of the ~~task force~~ Task Force shall be entitled to reimbursement for reasonable travel and meal expenses. The ~~task force~~ Task Force shall report regularly to the ~~director~~ Director, and on request to the ~~general assembly~~ General Assembly, for the purpose of making recommendations for improving Vermont's home energy assistance programs.

Sec. 213. 33 V.S.A. § 4301(3) is amended to read:

(3) "Child or adolescent with a severe emotional disturbance" means a person who:

* * *

(D) falls into one or more of the following categories, whether or not he or she is diagnosed with other serious disorders such as ~~mental retardation~~ intellectual disability, severe neurological dysfunction, or sensory impairments;

* * *

Sec. 214. 33 V.S.A. § 6321 is amended to read:

§ 6321. ATTENDANT CARE SERVICES

(a) As used in this section:

* * *

(3) "Personal services" means attendant care services provided to ~~an elderly or disabled~~ a Medicaid eligible individual who is elderly or has a disability in his or her home, which are necessary to avoid institutionalization.

(4) "Participant-directed attendant care" means attendant care services for ~~permanently, severely disabled~~ an individual who has a permanent and severe disability who requires service in at least two activities of daily living in order to live independently.

* * *

(d) The ~~commissioner~~ Commissioner shall adopt rules to implement the provisions of this section, including eligibility criteria for the programs, criteria for determining service needs, rules relating to control and oversight of services by beneficiaries of a program, and procedures for handling and maintaining confidential information. Prior to filing a proposed rule, the ~~commissioner~~ Commissioner shall seek input from individuals with disabilities, ~~the~~ individuals who are elderly, and organizations which represent such individuals.

* * *

Sec. 215. 33 V.S.A. § 6902 is amended to read:

§ 6902. DEFINITIONS

As used in this chapter:

* * *

(2) “Caregiver” means a person, agency, facility, or other organization with responsibility for providing subsistence or medical or other care to an adult who is elderly or disabled adult has a disability, who has assumed the responsibility voluntarily, by contract or by an order of the court; or a person providing care, including ~~but not limited to~~ medical care, custodial care, personal care, mental health services, rehabilitative services, or any other kind of care provided which is required because of another’s age or disability.

* * *

(14) “Vulnerable adult” means any person 18 years of age or older who:

* * *

(D) regardless of residence or whether any type of service is received, is impaired due to brain damage, infirmities of aging, mental condition, or a physical, ~~mental~~ psychiatric, or developmental disability:

(i) that results in some impairment of the individual’s ability to provide for his or her own care without assistance, including the provision of food, shelter, clothing, health care, supervision, or management of finances; or

(ii) because of the disability or infirmity, the individual has an impaired ability to protect himself or herself from abuse, neglect, or exploitation.

Sec. 216. 33 V.S.A. § 6903(a) is amended to read:

(a) Any of the following, other than a crisis worker acting pursuant to 12 V.S.A. § 1614, who knows of or has received information of abuse, neglect,

or exploitation of a vulnerable adult or who has reason to suspect that any vulnerable adult has been abused, neglected, or exploited shall report or cause a report to be made in accordance with the provisions of section 6904 of this title within 48 hours:

* * *

(5) A hospital, nursing home, residential care home, home health agency, or any entity providing nursing or nursing related services for remuneration; intermediate care facility for adults with ~~mental retardation,~~ intellectual disabilities; therapeutic community residence, group home, developmental home, school or contractor involved in caregiving; or an operator or employee of any of these facilities or agencies.

Sec. 217. 33 V.S.A. § 6912(b) is amended to read:

(b) All agencies, facilities, or institutions providing care and services to adults who are elderly, disabled have a disability, or are vulnerable adults shall inform their employees of their right and duty to report suspected incidents of abuse, neglect, or exploitation and the protections afforded them by this chapter, and shall establish appropriate policies and procedures to facilitate such reporting.

Sec. 218. 33 V.S.A. § 7102 is amended to read:

§ 7102. DEFINITIONS

~~For purposes of~~ As used in this chapter:

* * *

(2) “Facility” means a residential care home, nursing home, assisted living residence, home for ~~the persons who are~~ terminally ill, or therapeutic community residence licensed or required to be licensed pursuant to the provisions of this chapter.

(3) “Home for ~~the persons who are~~ terminally ill” means a place providing services specifically for three or more people who are dying people, including room, board, personal care, and other assistance for the residents’ emotional, spiritual, and physical well-being.

* * *

(6) “Nursing care” means the performance of services necessary in caring for ~~the persons who are~~ sick or injured that require specialized knowledge, judgment, and skill and meet the standards of nursing as defined in 26 V.S.A. § 1572.

(7) “Nursing home” means an institution or distinct part of an institution which is primarily engaged in providing to its residents any of the following:

(A) Skilled nursing care and related services for residents who require medical or nursing care.

(B) Rehabilitation services for the rehabilitation of persons who are injured, disabled have a disability, or are sick persons.

(C) On a 24-hour basis, ~~health-related~~ health-related care and services to individuals who because of their mental or physical condition require care and services which can be made available to them only through institutional care.

* * *

(11) "Therapeutic community residence" means a place, however named, excluding hospitals as defined by statute which provides, for profit or otherwise, transitional individualized treatment to three or more residents with major life adjustment problems, such as alcoholism, drug abuse, ~~mental illness~~ psychiatric disability, or delinquency.

Sec. 219. 33 V.S.A. § 7103 is amended to read;

§ 7103. LICENSE

(a) A person shall not operate a nursing home, assisted living residence, home for ~~the persons who are terminally ill~~, residential care home, or therapeutic community residence without first obtaining a license.

(b) A person shall not operate a nursing home as defined in this chapter or as defined in 18 V.S.A. chapter 46 of Title 18 except under the supervision of an administrator licensed in the manner provided in 18 V.S.A. chapter 46 of Title 18.

(c) Residents of a home for ~~the persons who are~~ terminally ill shall receive necessary medical and nursing services, which may be provided through outside providers.

Sec. 220. 33 V.S.A. § 7105(b) is amended to read:

(b) In its discretion, the licensing agency may issue a temporary license permitting operation of a nursing home, assisted living residence, therapeutic community residence, residential care home, or home for ~~the persons who are~~ terminally ill for such period or periods and subject to such conditions as the licensing agency deems proper, but in no case shall a nursing home, assisted living residence, therapeutic community residence, residential care home, or home for ~~the persons who are~~ terminally ill operate under a temporary license or renewal thereof for a period exceeding 36 months.

Sec. 221. 33 V.S.A. § 7107(a) is amended to read:

(a) The licensing agency shall ~~promulgate regulations~~ adopt rules governing the identification of unlicensed residential care homes, nursing homes, assisted living residences, therapeutic community residences, and homes for ~~the persons who are~~ terminally ill.

Sec. 222. LEGISLATIVE REVISION

To ensure consistent use of respectful language throughout the Vermont Statutes Annotated and in recognition of the vast breadth of this act, the Office of Legislative Council is directed to prepare a bill revising any identified term that is amended in one or more statutes by this act and that was inadvertently left unchanged elsewhere in statute, where appropriate. The bill shall be delivered to the House and Senate Committees on Government Operations on or before December 1, 2013.

Sec. 223. REPEAL

The following are repealed:

(1) 2012 Acts and Resolves No. 171, Sec. 11d (parity for mental health co-payments).

(2) 2012 Acts and Resolves No. 171, Sec. 42(k) (effective date; parity for mental health co-payments).

Sec. 224. EFFECTIVE DATES

This act shall take effect on July 1, 2013, except that Sec. 19a (parity for mental health co-payments) of this act shall take effect on January 1, 2014, and shall apply to health insurance plans on and after January 1, 2014 on such date as a health insurer issues, offers, or renews the health insurance plan, but in no event later than January 1, 2015.

And that when so amended the bill ought to pass.

Senator Ashe, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass when so amended.

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

Bill Passed

S. 30.

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

An act relating to siting of electric generation plants

Third Reading Ordered; Bill Amended**S. 154.**

Senate committee bill entitled:

An act relating to classification of crimes.

Was taken up.

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

Senator Sears, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended in Sec. 1, by striking out subsection (f) (appropriation) in its entirety and inserting in lieu thereof a new subsection (f) to read as follows:

(f) Appropriation. The sum of \$6,500.00 is appropriated to the Joint Fiscal Committee from the General Fund in FY14 for a contract with the Vermont Center for Justice Research for providing data and staffing necessary for the Working Group's work.

And that when so amended the bill ought to pass.

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

Bill Amended; Consideration Interrupted by Recess**S. 82.**

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

An act relating to campaign finance law.

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

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Unduly large campaign contributions reduce public confidence in the electoral process and increase the risk and the appearance that candidates and elected officials may be beholden to contributors and not act in the best interests of all Vermont citizens.

(2) In Vermont, contributions greater than the amounts specified in this act are considered by the General Assembly, candidates, and elected officials

to be unduly large contributions that have the ability to corrupt and create the appearance of corrupting candidates and the democratic system.

(3) When a person is able to make unduly large contributions to a candidate, there is a risk of voters losing confidence in our system of representative government because voters may believe that a candidate will be more likely to represent the views of persons who make those contributions and less likely to represent views of their constituents and Vermont citizens in general. This loss of confidence may lead to increased voter cynicism and a lack of participation in the electoral process among both candidates and voters.

(4) Lower limits encourage candidates to interact and communicate with a greater number of voters in order to receive contributions to help fund a campaign, rather than to rely on a small number of large contributions. This interaction between candidates and the electorate helps build a greater confidence in our representative government and is likely to make candidates more responsive to voters.

(5) In Vermont, candidates can raise sufficient monies to fund effective, competitive campaigns from contributions no larger than the amounts specified in this act.

(6) Different limits on contributions to candidates based on the office they seek are necessary in order for these candidates to run effective campaigns. Moreover, since it generally costs less to run an effective campaign for lower ticket races, a uniform limit on contributions for all offices could enable contributors to exert undue influence over those lower ticket races.

(7) Exempting certain activities of political parties from the definition of what constitutes a contribution is important so as to not overly burden collective political activity. These activities, such as using the assistance of volunteers, preparing party candidate listings, and hosting certain campaign events, are part of a party's traditional role in assisting candidates to run for office. Moreover, these exemptions help protect the right to associate in a political party.

(8) In order to provide the electorate with information regarding who seeks to influence their votes through campaign advertising; to make campaign financing more transparent; to aid voters in evaluating those seeking office; to deter actual corruption and avoid its appearance by exposing contributions and expenditures to the light of publicity; and to gather data necessary to detect violations of contributions limits, it is imperative that Vermont increase the frequency of campaign finance reports and include more information in electioneering communications.

(9) Increasing identification information in electioneering communications, such as requiring the names of top contributors to the political committee or political party that paid for the communication, will enable the electorate to immediately evaluate the speaker's message and will bolster the sufficiently important interest in permitting Vermonters to learn the sources of significant influence in our State's elections.

(10) The General Assembly is aware of reports of potential corruption in other states and in federal politics. It is important to enact legislation that will prevent corruption here and maintain the electorate's confidence in the integrity of Vermont's government.

(11) This act is necessary in order to implement more fully the provisions of Article 8 of Chapter I of the Constitution of the State of Vermont, which declares "That all elections ought to be free and without corruption, and that all voters, having a sufficient, evident, common interest with, and attachment to the community, have a right to elect officers, and be elected into office, agreeably to the regulations made in this constitution."

Sec. 2. REPEAL

17 V.S.A. chapter 59 (campaign finance) is repealed.

Sec. 3. 17 V.S.A. chapter 61 is added to read:

CHAPTER 61. CAMPAIGN FINANCE

Subchapter 1. General Provisions

§ 2901. DEFINITIONS

As used in this chapter:

(1) "Candidate" means an individual who has taken affirmative action to become a candidate for state, county, local, or legislative office in a primary, special, general, or local election. An affirmative action shall include one or more of the following:

(A) accepting contributions or making expenditures totaling \$500.00 or more;

(B) filing the requisite petition for nomination under this title or being nominated by primary or caucus; or

(C) announcing that the individual seeks an elected position as a state, county, or local officer or a position as representative or senator in the General Assembly.

(2) "Candidate's committee" means the candidate's campaign staff, whether paid or unpaid.

(3) “Clearly identified,” with respect to a candidate, means:

(A) the name of the candidate appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identity of the candidate is apparent by unambiguous reference.

(4) “Contribution” means a payment, distribution, advance, deposit, loan, or gift of money or anything of value, paid or promised to be paid for the purpose of influencing an election, advocating a position on a public question, or supporting or opposing one or more candidates in any election. For purposes of this chapter, “contribution” shall not include any of the following:

(A) a personal loan of money to a candidate from a lending institution made in the ordinary course of business;

(B) services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political party;

(C) unreimbursed travel expenses paid for by an individual for himself or herself who volunteers personal services to a candidate;

(D) unreimbursed campaign-related travel expenses paid for by the candidate or the candidate’s spouse;

(E) the use by a candidate or volunteer of his or her own personal property, including offices, telephones, computers, and similar equipment;

(F) the use of a political party’s offices, telephones, computers, and similar equipment;

(G) the payment by a political party of the costs of preparation, display, or mailing or other distribution of a party candidate listing;

(H) documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this title, lists of registered voters, and voter identification information created, obtained, or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party or to another political party;

(I) compensation paid by a political party to its employees whose job responsibilities are not for the specific and exclusive benefit of a single candidate in any election;

(J) compensation paid by a political party to its employees or consultants for the purpose of providing assistance to another political party;

(K) campaign training sessions provided to three or more candidates;

(L) costs paid for by a political party in connection with a campaign event at which three or more candidates are present; or

(M) activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention or depict a clearly identified candidate.

(5) "Election" means the procedure whereby the voters of this State or any of its political subdivisions select a person to be a candidate for public office or to fill a public office or to act on public questions including voting on constitutional amendments. Each primary, general, special, or local election shall constitute a separate election.

(6) "Electioneering communication" means any communication that refers to a clearly identified candidate for office and that promotes or supports a candidate for that office or attacks or opposes a candidate for that office, regardless of whether the communication expressly advocates a vote for or against a candidate, including communications published in any newspaper or periodical or broadcast on radio or television or over the Internet or any public address system; placed on any billboards, outdoor facilities, buttons, or printed material attached to motor vehicles, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars; or contained in any direct mailing, robotic phone calls, or mass e-mails.

(7) "Expenditure" means a payment, disbursement, distribution, advance, deposit, loan, or gift of money or anything of value, paid or promised to be paid, for the purpose of influencing an election, advocating a position on a public question, or supporting or opposing one or more candidates. For the purposes of this chapter, "expenditure" shall not include any of the following:

(A) a personal loan of money to a candidate from a lending institution made in the ordinary course of business;

(B) services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political party;

(C) unreimbursed travel expenses paid for by an individual for himself or herself who volunteers personal services to a candidate; or

(D) unreimbursed campaign-related travel expenses paid for by the candidate or the candidate's spouse.

(8) "Full name" means an individual's full first name, middle name or initial, if any, and full legal last name, making the identity of the person who made the contribution apparent by unambiguous reference.

(9) “Independent expenditure-only political committee” means a political committee that conducts its activities entirely independent of candidates; does not give contributions to candidates, political committees, or political parties; does not make related expenditures; and is not closely related to a political party or to a political committee that makes contributions to candidates or makes related expenditures.

(10) “Mass media activity” means a television commercial, radio commercial, mass mailing, mass electronic or digital communication, literature drop, newspaper and periodical advertisement, robotic phone call, or telephone bank, which includes the name or likeness of a clearly identified candidate for office.

(11) “Party candidate listing” means any communication by a political party that:

(A) lists the names of at least three candidates for election to public office;

(B) is distributed through public advertising such as broadcast stations, cable television, newspapers, and similar media or through direct mail, telephone, electronic mail, a publicly accessible site on the Internet, or personal delivery;

(C) treats all candidates in the communication in a substantially similar manner; and

(D) is limited to:

(i) the identification of each candidate, with which pictures may be used;

(ii) the offices sought;

(iii) the offices currently held by the candidates;

(iv) the party affiliation of the candidates and a brief statement about the party or the candidates’ positions, philosophy, goals, accomplishments, or biographies;

(v) encouragement to vote for the candidates identified; and

(vi) information about voting, such as voting hours and locations.

(12) “Political committee” or “political action committee” means any formal or informal committee of two or more individuals or a corporation, labor organization, public interest group, or other entity, not including a political party, which accepts contributions of \$1,000.00 or more and makes expenditures of \$1,000.00 or more in any two-year general election cycle for the purpose of supporting or opposing one or more candidates, influencing an

election, or advocating a position on a public question in any election, and includes an independent expenditure-only political committee.

(13) "Political party" means a political party organized under chapter 45 of this title and any committee established, financed, maintained, or controlled by the party, including any subsidiary, branch, or local unit thereof, and shall be considered a single, unified political party. The national affiliate of the political party shall be considered a separate political party.

(14) "Public question" means an issue that is before the voters for a binding decision.

(15) "Single source" means an individual, partnership, corporation, association, labor organization, or any other organization or group of persons which is not a political committee or political party.

(16) "Telephone bank" means more than 500 telephone calls of an identical or substantially similar nature that are made to the general public within any 30-day period.

(17) "Two-year general election cycle" means the 24-month period that begins 38 days after a general election.

§ 2902. EXCEPTIONS

The definitions of "contribution," "expenditure," and "electioneering communication" shall not apply to:

(1) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication that has not been paid for or such facilities are not owned or controlled by any political party, committee, or candidate; or

(2) any communication distributed through a public access television station if the communication complies with the laws and rules governing the station and if all candidates in the race have an equal opportunity to promote their candidacies through the station.

§ 2903. PENALTIES

(a)(1) A person who knowingly and intentionally violates a provision of subchapter 2 or 4 of this chapter shall be fined not more than \$1,000.00 or imprisoned not more than six months or both.

(2) A person who knowingly and intentionally violates any provision of subchapter 3 of this chapter shall be fined not more than \$10,000.00 or imprisoned not more than two years or both.

(b) A person who violates any provision of this chapter shall be subject to a civil penalty of up to \$10,000.00 for each violation and shall refund the

unspent balance of Vermont campaign finance grants received under subchapter 5 of this chapter, if any, calculated as of the date of the violation.

(c) In addition to the other penalties provided in this section, a state's attorney or the Attorney General may institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any violation of this chapter.

§ 2904. CIVIL INVESTIGATION

(a)(1) The Attorney General or a state's attorney, whenever he or she has reason to believe any person to be or to have been in violation of this chapter or of any rule or regulation made pursuant to this chapter, may examine or cause to be examined by any agent or representative designated by him or her for that purpose any books, records, papers, memoranda, and physical objects of any nature bearing upon each alleged violation and may demand written responses under oath to questions bearing upon each alleged violation.

(2) The Attorney General or a state's attorney may require the attendance of such person or of any other person having knowledge in the premises in the county where such person resides or has a place of business or in Washington County if such person is a nonresident or has no place of business within the State and may take testimony and require proof material for his or her information and may administer oaths or take acknowledgment in respect of any book, record, paper, or memorandum.

(3) The Attorney General or a state's attorney shall serve notice of the time, place, and cause of such examination or attendance or notice of the cause of the demand for written responses personally or by certified mail upon such person at his or her principal place of business or, if such place is not known, to his or her last known address.

(4) Any book, record, paper, memorandum, or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of this State for good cause shown, be disclosed to any person other than the authorized agent or representative of the Attorney General or a state's attorney or another law enforcement officer engaged in legitimate law enforcement activities unless with the consent of the person producing the same, except that any transcript of oral testimony, written responses, documents, or other information produced pursuant to this section may be used in the enforcement of this chapter, including in connection with any civil action brought under section 2903 of this subchapter or subsection (c) of this section.

(5) Nothing in this subsection is intended to prevent the Attorney General or a state's attorney from disclosing the results of an investigation

conducted under this section, including the grounds for his or her decision as to whether to bring an enforcement action alleging a violation of this chapter or of any rule or regulation made pursuant to this chapter.

(6) This subsection shall not be applicable to any criminal investigation or prosecution brought under the laws of this or any state.

(b)(1) A person upon whom a notice is served pursuant to the provisions of this section shall comply with its terms unless otherwise provided by the order of a court of this State. Any person who is served with such notice within the State shall bear the complete cost of compliance with its terms.

(2) Any person who, with intent to avoid, evade, or prevent compliance, in whole or in part, with any civil investigation under this section, removes from any place; conceals, withholds, or destroys; or mutilates, alters, or by any other means falsifies any documentary material in the possession, custody, or control of any person subject to such notice or mistakes or conceals any information shall be fined not more than \$5,000.00.

(c)(1) Whenever any person fails to comply with any notice served upon him or her under this section or whenever satisfactory copying or reproduction of any such material cannot be done and the person refuses to surrender the material, the Attorney General or a state's attorney may file, in the superior court in which the person resides or has his or her principal place of business or in Washington County if the person is a nonresident or has no principal place of business in this State, and serve upon the person a petition for an order of the court for the enforcement of this section.

(2) Whenever any petition is filed under this section, the court shall have jurisdiction to hear and determine the matter so presented and to enter any order or orders as may be required to carry into effect the provisions of this section. Any disobedience of any order entered under this section by any court shall be punished as a contempt of the court.

(d) Any person aggrieved by a civil investigation conducted under this section may seek relief from Washington Superior Court or the superior court in the county in which the aggrieved person resides. Except for cases the court considers to be of greater importance, proceedings before superior court as authorized by this section shall take precedence on the docket over all other cases.

§ 2905. ADJUSTMENTS FOR INFLATION

(a) Whenever it is required by this chapter, the Secretary of State shall make adjustments to monetary amounts provided in this chapter based on the Consumer Price Index. Increases shall be rounded to the nearest \$10.00 and shall apply for the term of two two-year general election cycles. Increases

shall be effective for the first two-year general election cycle beginning after the general election held in 2016.

(b) On or before the first two-year general election cycle beginning after the general election held in 2016, the Secretary of State shall calculate and publish on the online database set forth in section 2906 of this chapter each adjusted monetary amount that will apply to those two two-year general election cycles. On or before the beginning of each second subsequent two-year general election cycle, the Secretary shall publish the amount of each adjusted monetary amount that shall apply for that two-year general election cycle and the next two-year general election cycle.

§ 2906. CAMPAIGN DATABASE; CANDIDATE INFORMATION PUBLICATION

(a) Campaign database. For each two-year general election cycle, the Secretary of State shall develop and continually update a publicly accessible campaign database which shall be made available to the public through the Secretary of State's home page online service or through printed reports from the Secretary in response to a public request within 14 days of the date of the request. The database shall contain:

(1) at least the following information for all candidates for statewide, county, and local office and for the General Assembly:

(A) for candidates receiving public financing grants, the amount of each grant awarded; and

(B) the information contained in any reports submitted pursuant to subchapter 4 of this chapter;

(2) campaign finance reports filed by candidates for federal office;

(3) the adjustments for inflation made to monetary amounts as required by this chapter; and

(4) any photographs, biographical sketches, and position statements submitted to the Secretary pursuant to subsection (b) of this section.

(b) Candidate information publication.

(1) Any candidate for statewide office and any candidate for federal office qualified to be on the ballot in this State may submit to the Secretary of State a photograph, biographical sketch, and position statement of a length and format specified by the Secretary for the purposes of preparing a candidate information publication.

(2) Without making any substantive changes in the material presented, the Secretary shall prepare a candidate information publication for statewide

distribution prior to the general election, which includes the candidates' photographs, biographies, and position statements; a brief explanation of the process used to obtain candidate submissions; and, with respect to offices for which public financing is available, an indication of which candidates are receiving Vermont campaign finance grants and which candidates are not receiving Vermont campaign finance grants.

(3) The Secretary shall prepare, publish, and distribute the candidate information publication throughout the State no later than one week prior to the general election. The Secretary shall also seek voluntary distribution of the candidate information publication in weekly and daily newspapers and other publications in the State. The Secretary shall also make the candidate information publication available in large type, audiotape, and Internet versions.

§ 2907. ADMINISTRATION

The Secretary of State shall administer this chapter and shall perform all duties required under this chapter. The Secretary may employ or contract for the services of persons necessary for performance of these duties.

Subchapter 2. Registration and Maintenance Requirements

§ 2911. CANDIDATES, POLITICAL COMMITTEES, POLITICAL PARTIES; CHECKING ACCOUNT; TREASURER

Each candidate who has made expenditures or accepted contributions of \$500.00 or more, each political committee, and each political party required to register under section 2912 of this subchapter shall be subject to the following requirements:

(1) All expenditures shall be paid by either a credit card or a debit card, check, or other electronic transfer from a single campaign checking account in a single bank publicly designated by the candidate, political committee, or political party.

(2) Each candidate, political committee, and political party shall name a treasurer who is responsible for maintaining the checking account. A candidate's treasurer may be the candidate or his or her spouse.

§ 2912. POLITICAL COMMITTEES AND PARTIES; REGISTRATION

(a) Each political committee and each political party which has accepted contributions or made expenditures of \$1,000.00 or more in any two-year general election cycle shall register with the Secretary of State stating its full name and address, the name and address of its treasurer, and the name and address of the bank in which it maintains its campaign checking account. A

political party shall register within 10 days of reaching the \$1,000.00 threshold.

(b) A political party or political committee whose principal place of business or whose treasurer is not located in this State shall file a statement with the Secretary of State designating a person who resides in this State upon whom may be served any process, notice, or demand required or permitted by law to be served upon the political party or political committee. This statement shall be filed at the same time as the registration required in subsection (a) of this section.

§ 2913. CANDIDATES AND POLITICAL COMMITTEES; SURPLUS CAMPAIGN FUNDS

(a) A member of a political committee which has surplus funds after all campaign debts have been paid shall not convert the surplus to personal use.

(b) A candidate who has surplus funds after all campaign debts have been paid shall not convert the surplus to personal use, other than to reduce personal campaign debts.

(c) Surplus funds in a political committee's or candidate's account after payment of all campaign debts may be contributed to other candidates, political parties, or political committees subject to the contribution limits set forth in this chapter or may be contributed to a charity.

(d) The "final report" of a candidate or a political committee shall indicate the amount of the surplus and how it has been or is to be liquidated.

§ 2914. CANDIDATES; NEW CAMPAIGN ACCOUNTS

(a) A candidate who chooses to roll over any surplus contributions into a new campaign account for public office may close out his or her former campaign by filing a final report with the Secretary of State converting all debts and assets to the new campaign.

(b) A candidate shall be required to file a new bank designation form only if there has been a change in the treasurer or the location of the campaign account.

Subchapter 3. Contribution Limitations

§ 2921. LIMITATIONS OF CONTRIBUTIONS

In any two-year general election cycle:

(1) A candidate for state representative or for local office shall not accept contributions totaling more than:

(A) \$750.00 from a single source;

(B) \$750.00 from a political committee; or

(C) \$3,000.00 from a political party.

(2) A candidate for state senator or county office shall not accept contributions totaling more than:

(A) \$1,500.00 from a single source;

(B) \$1,500.00 from a political committee; or

(C) \$6,000.00 from a political party.

(3) A candidate for the office of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor of Accounts, or Attorney General shall not accept contributions totaling more than:

(A) \$3,000.00 from a single source;

(B) \$3,000.00 from a political committee; or

(C) \$85,000.00 from a political party.

(4) A political committee shall not accept contributions totaling more than:

(A) \$3,000.00 from a single source;

(B) \$3,000.00 from a political committee; or

(C) \$3,000.00 from a political party.

(5) A political party shall not accept contributions totaling more than:

(A) \$3,000.00 from a single source;

(B) \$3,000.00 from a political committee; or

(C) \$30,000.00 from a political party.

(6) A single source shall not contribute more than an aggregate of:

(A) \$25,000.00 to candidates; and

(B) \$25,000.00 to political committees and political parties.

(7) A single source, political committee, or political party shall not contribute more to a candidate, political committee, or political party than the candidate, political committee, or political party is permitted to accept under subdivisions (1) through (5) of this section.

§ 2922. EXCEPTIONS

The contribution limitations established by this subchapter shall not apply to contributions to a political committee made for the purpose of advocating a position on a public question, including a constitutional amendment.

§ 2923. LIMITATIONS ADJUSTED FOR INFLATION

The contribution limitations contained in this subchapter shall be adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter.

§ 2924. ACCOUNTABILITY FOR RELATED EXPENDITURES

(a) A related campaign expenditure made on a candidate's behalf shall be considered a contribution to the candidate on whose behalf it was made.

(b) For the purposes of this section, a "related campaign expenditure made on the candidate's behalf" means any expenditure intended to promote the election of a specific candidate or group of candidates or the defeat of an opposing candidate or group of candidates if intentionally facilitated by, solicited by, or approved by the candidate or the candidate's committee.

(c)(1) An expenditure made by a political party or by a political committee that recruits or endorses candidates that primarily benefits six or fewer candidates who are associated with the political party or political committee making the expenditure is presumed to be a related expenditure made on behalf of those candidates.

(2) An expenditure made by a political party or by a political committee that recruits or endorses candidates that substantially benefits more than six candidates and facilitates party or political committee functions, voter turnout, platform promotion, or organizational capacity shall not be presumed to be a related expenditure made on a candidate's behalf.

(3) For the purposes of this section, a "related campaign expenditure made on the candidate's behalf" does not mean:

(A) the cost of invitations and postage and of food and beverages voluntarily provided by an individual in conjunction with an opportunity for a group of voters to meet a candidate if the cumulative value of these items provided by the individual on behalf of any candidate does not exceed \$500.00 per election; or

(B) the sale of any food or beverage by a vendor at a charge less than the normal comparable charge for use at a campaign event providing an opportunity for a group of voters to meet a candidate if the charge to the candidate is at least equal to the cost of the food or beverages to the vendor and

if the cumulative value of the food or beverages does not exceed \$500.00 per election.

(d)(1) A candidate may seek a determination that an expenditure is a related expenditure made on behalf of an opposing candidate by filing a petition with the superior court of the county in which either candidate resides.

(2) Within 24 hours of the filing of a petition, the court shall schedule the petition for hearing. Except as to cases the court considers of greater importance, proceedings before the superior court, as authorized by this section, and appeals therefrom take precedence on the docket over all other cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(3) The findings and determination of the court shall be prima facie evidence in any proceedings brought for violation of this chapter.

(e) The Secretary of State may adopt rules necessary to administer the provisions of this section.

§ 2925. GENERAL PROVISIONS

(a) A candidate, political committee, or political party accepts a contribution when the contribution is deposited in the candidate's, committee's, or party's campaign account or two business days after the candidate, committee, or party receives it, whichever comes first.

(b) A candidate, political committee, or political party shall not accept a monetary contribution in excess of \$50.00 unless made by check, credit or debit card, or other electronic transfer.

(c) A candidate's expenditures related to a previous two-year general election cycle and contributions used to retire a debt of a previous two-year general election cycle shall be attributed to the earlier two-year general election cycle.

(d) This subchapter shall not be interpreted to limit the amount a candidate or his or her immediate family may contribute to his or her own campaign. For purposes of this subsection, "immediate family" means a candidate's spouse, parent, grandparent, child, grandchild, sister, brother, stepparent, stepgrandparent, stepchild, stepgrandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, legal guardian, or former legal guardian.

(e) For purposes of this subchapter, the term "candidate" includes the candidate's committee.

(f) A candidate, political committee, or political party shall not knowingly accept a contribution which is not directly from the contributor but was transferred to the contributor by another person for the purpose of transferring the same to the candidate, political committee, or political party or otherwise circumventing the provisions of this chapter. It shall be a violation of this chapter for a person to make a contribution with the explicit or implicit understanding that the contribution will be transferred in violation of this subsection.

Subchapter 4. Reporting Requirements; Disclosures

§ 2931. SUBMISSION OF REPORTS TO THE SECRETARY OF STATE

(a)(1) The Secretary of State shall provide on the online database set forth in section 2906 of this chapter digital access to the form that he or she provides for any report required by this chapter. Digital access shall enable any person required to file a report under this chapter to file the report by completing and submitting the report to the Secretary of State online.

(2) The Secretary shall maintain on the online database reports that have been filed for each two-year general election cycle so that any person may have direct machine-readable electronic access to the individual data elements in each report and the ability to search those data elements as soon as a report is filed.

(b) Any person required to file a report with the Secretary of State under this chapter shall file the report digitally on the online database.

§ 2932. CAMPAIGN REPORTS; SECRETARY OF STATE; FORMS; FILING

(a) The Secretary of State shall prescribe and provide a uniform reporting form for all campaign finance reports. The reporting form shall be designed to show the following information:

(1) the full name, town of residence, and mailing address of each contributor who contributes an amount in excess of \$100.00, the date of the contribution, and the amount contributed, as well as a space on the form for the occupation and employer of each contributor, which the candidate, political committee, or political party shall make a reasonable effort to obtain;

(2) the total amount of all contributions of \$100.00 or less and the total number of all such contributions;

(3) each expenditure listed by amount, date, to whom paid, and for what purpose;

(4) the amount contributed or loaned by the candidate to his or her own campaign during the reporting period; and

(5) each debt or other obligation, listed by amount, date incurred, to whom owed, and for what purpose, incurred during the reporting period.

(b)(1) The form shall require the reporting of all contributions and expenditures accepted or spent during the reporting period and during the campaign to date and shall require full disclosure of the manner in which any indebtedness is discharged or forgiven.

(2) Contributions and expenditures for the reporting period and for the campaign to date also shall be totaled in an appropriate place on the form. The total of contributions shall include a subtotal of nonmonetary contributions and a subtotal of all monetary contributions.

(3) The form shall contain a list of the required filing times so that the person filing may designate for which time period the filing is made.

(4) Contributions accepted and expenditures spent after 5:00 p.m. on the third day prior to the filing deadline shall be reported on the next report.

(c) The form described in this section shall contain language of certification of the truth of the statements and places for the signature of the candidate or the treasurer of the campaign.

(d) Any person required to file a campaign finance report under this chapter shall provide the information required in the Secretary of State's reporting form. Disclosure shall be limited to the information required to administer this chapter.

(e) All reports filed under this chapter shall be retained in an indexed file by the Secretary of State and shall be subject to the examination of any person.

§ 2933. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE AND THE GENERAL ASSEMBLY; POLITICAL COMMITTEES; POLITICAL PARTIES

(a) Each candidate for state office, each candidate for the General Assembly who has made expenditures or accepted contributions of \$500.00 or more, and, except as provided in subsection (b) of this section, each political committee and each political party required to register under section 2912 of this chapter shall file with the Secretary of State campaign finance reports as follows:

(1) in the first year of the two-year general election cycle, quarterly, beginning on March 15 of the odd-numbered year;

(2) in the second year of the two-year general election cycle, monthly, beginning on January 15 of the even-numbered year until July 15;

(3) from July 15 through the general election, every two weeks; and

(4) two weeks after the general election.

(b) A political committee or a political party which has accepted contributions or made expenditures of \$1,000.00 or more in any two-year general election cycle for the purpose of influencing a local election or supporting or opposing one or more candidates in a local election shall file campaign finance reports regarding that election 30 days before, 10 days before, and two weeks after the local election with the Secretary of State.

(c) Any formal or informal committee of two or more individuals or a corporation, labor organization, public interest group, or other entity, not including a political party, which makes expenditures of \$1,000.00 or more in any two-year general election cycle for the purpose of advocating a position on a public question in any election shall file a report of its expenditures 30 days before, 10 days before, and two weeks after the election with the Secretary of State.

(d) At any time, but not later than December 15th following the general election, each candidate for state office and each candidate for the General Assembly who has made expenditures or received contributions of \$500.00 or more shall file with the Secretary of State a "final report" which lists a complete accounting of all contributions and expenditures since the last report and disposition of surplus and which shall constitute the termination of his or her campaign activities.

(e) A political committee or political party shall file a campaign finance report not later than 40 days following the general election. At any time, a political committee or a political party may file a "final report" which lists a complete accounting of all contributions and expenditures since the last report and disposition of surplus and which shall constitute the termination of its campaign activities.

(f) Each candidate for state office and each candidate for the General Assembly who has made expenditures or accepted contributions of less than \$500.00 shall file with the Secretary of State 10 days following the general election a statement that the candidate has not made expenditures or accepted contributions of \$500.00 or more during the two-year general election cycle.

(g) The failure of a candidate for the General Assembly to file a report under subsection (a) of this section shall be deemed an affirmative statement that the candidate has not accepted contributions or made expenditures of \$500.00 or more.

§ 2934. ADDITIONAL CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE AND THE GENERAL ASSEMBLY; INDEPENDENT EXPENDITURE-ONLY POLITICAL COMMITTEES

(a) In addition to any other reports required to be filed under this chapter, a candidate for state office or for the General Assembly who accepts a monetary contribution in an amount over \$2,000.00 within 10 days of a primary or general election shall report the contribution to the Secretary of State within 24 hours of receiving the contribution.

(b) A report required by this section shall include the following information:

(1) the full name, town of residence, and mailing address of the contributor; the date of the contribution; and the amount contributed; and

(2) the amount contributed or loaned by the candidate to his or her own campaign.

§ 2935. CAMPAIGN REPORTS; COUNTY OFFICE CANDIDATES

(a) Each candidate for county office who has made expenditures or accepted contributions of \$500.00 or more shall file campaign finance reports with the Secretary of State as follows:

(1) Ten days before the primary election.

(2) Ten days before the general election.

(3) Further campaign reports shall be filed on the 15th day of July and annually thereafter or until all contributions and expenditures have been accounted for and any indebtedness and surplus have been eliminated.

(b) Within 40 days after the general election, each candidate for county office who has made expenditures or accepted contributions of \$500.00 or more shall file with the Secretary of State a "final report" which lists a complete accounting of all contributions and expenditures since the last report and a disposition of surplus and which shall constitute the termination of his or her campaign activities.

(c) The failure of a county candidate to file a campaign finance report shall be deemed an affirmative statement that the candidate has not accepted contributions or made expenditures of \$500.00 or more.

§ 2936. CAMPAIGN REPORTS; LOCAL CANDIDATES

(a) Each candidate for local office who has made expenditures or accepted contributions of \$500.00 or more shall file with the Secretary of State campaign finance reports 30 days before, 10 days before, and two weeks after the local election.

(b) The failure of a local candidate to file a campaign finance report shall be deemed an affirmative statement that the candidate has not accepted contributions or made expenditures of \$500.00 or more.

§ 2937. REPORT OF MASS MEDIA ACTIVITIES

(a)(1) In addition to any other reports required to be filed under this chapter, a person who makes expenditures for any one mass media activity totaling \$500.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within 45 days before a primary, general, county, or local election shall, for each activity, file a mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

(2) The copy of the mass media report shall be sent by e-mail to each candidate who has provided the Secretary of State with an e-mail address on his or her consent form and to any other candidate by mail.

(3) The mass media report shall be filed and the copy of the report shall be sent within 24 hours of the expenditure or activity, whichever occurs first. For the purposes of this section, a person shall be treated as having made an expenditure if the person has executed a contract to make the expenditure.

(b) The report shall identify the person who made the expenditure; the name of each candidate whose name or likeness was included in the activity; the amount and date of the expenditure; to whom it was paid; and the purpose of the expenditure.

(c) If the activity occurs within 30 days before the election and the expenditure was previously reported, an additional report shall be required under this section.

(d)(1) In addition to the reporting requirements of this section, an independent expenditure-only political committee that makes an expenditure for any one mass media activity totaling \$5,000.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within 45 days before a primary, general, county, or local election shall, for each such activity, file an independent expenditure-only political committee mass media report with the Secretary of State and send a copy of

the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

(2) The report shall include all of the information required under subsection (b) of this section, as well as the names, dates, and amounts of all contributions in excess of \$100.00 accepted since the filing of the committee's last report.

§ 2938. IDENTIFICATION IN ELECTIONEERING COMMUNICATIONS

(a) An electioneering communication shall contain the name and mailing address of the person, candidate, political committee, or political party that paid for the communication. The name and address shall appear prominently such that a reasonable person would clearly understand by whom the expenditure has been made, except that:

(1) An electioneering communication transmitted through radio and paid for by a candidate does not need to contain the candidate's address.

(2) An electioneering communication paid for by a person acting as an agent or consultant on behalf of another person, candidate, political committee, or political party shall clearly designate the name and mailing address of the person, candidate, political committee, or political party on whose behalf the communication is published or broadcast.

(b) If an electioneering communication is a related campaign expenditure made on a candidate's behalf as provided in section 2924 of this chapter, then in addition to other requirements of this section, the communication shall also clearly designate the candidate on whose behalf it was made by including language such as "on behalf of" such candidate.

(c) In addition to the identification requirements in subsections (a) and (b) of this section, an electioneering communication paid for on behalf of a political committee or political party shall contain the name of any contributor who contributed more than 25 percent of all contributions and more than \$2,000.00 to that committee or party since the beginning of the two-year general election cycle in which the electioneering communication was made.

(d) The identification requirements of this section shall not apply to lapel stickers or buttons, nor shall they apply to electioneering communications made by a single individual acting alone who spends, in a single two-year general election cycle, a cumulative amount of no more than \$150.00 on those electioneering communications, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter.

§ 2939. SPECIFIC IDENTIFICATION REQUIREMENTS FOR RADIO OR TELEVISION COMMUNICATIONS

(a) A person, candidate, political committee, or political party that makes an expenditure for an electioneering communication shall include in any communication which is transmitted through radio or television, in a clearly spoken manner, an audio statement of the name and title of the person who paid for the communication, that the person paid for the communication, and that the person approves of the content of the communication.

(b) If the person who paid for the communication is not a natural person, the audio statement required by this section shall include the name of that person, the name and title of the principal officer of the person, and a statement that the officer approves of the content of the communication.

Subchapter 5. Public Financing Option

§ 2951. DEFINITIONS

As used in this subchapter:

(1) “Affidavit” means the Vermont campaign finance affidavit required under section 2952 of this chapter.

(2) “General election period” means the period beginning the day after the primary election and ending the day of the general election.

(3) “Primary election period” means the period beginning the day after primary petitions must be filed under section 2356 of this title and ending the day of the primary election.

(4) “Vermont campaign finance qualification period” means the period beginning February 15 of each even-numbered year and ending on the date on which primary petitions must be filed under section 2356 of this title.

§ 2952. FILING OF VERMONT CAMPAIGN FINANCE AFFIDAVIT

(a) A candidate for the office of Governor or Lieutenant Governor who intends to seek Vermont campaign finance grants from the Secretary of State Services Fund shall file a Vermont campaign finance affidavit on the date on or before which primary petitions must be filed, whether the candidate seeks to enter a party primary or is an independent candidate.

(b) The Secretary of State shall prepare a Vermont campaign finance affidavit form, informational materials on procedures and financial requirements, and notification of the penalties for violation of this subchapter.

(c)(1) The Vermont campaign finance affidavit shall set forth the conditions of receiving grants under this subchapter and provide space for the candidate to agree that he or she will abide by such conditions and all

expenditure and contribution limitations, reporting requirements, and other provisions of this chapter.

(2) The affidavit shall also state the candidate's name, legal residence, business or occupation, address of business or occupation, party affiliation, if any, the office sought, and whether the candidate intends to enter a party primary.

(3) The affidavit shall also contain a list of all the candidate's qualifying contributions together with the name and town of residence of the contributor and the date each contribution was made.

(4) The affidavit may further require affirmation of such other information as deemed necessary by the Secretary of State for the administration of this subchapter.

(5) The affidavit shall be sworn and subscribed to by the candidate.

§ 2953. VERMONT CAMPAIGN FINANCE GRANTS; CONDITIONS

(a) A person shall not be eligible for Vermont campaign finance grants if, prior to February 15 of the general election year during any two-year general election cycle, he or she becomes a candidate by announcing that he or she seeks an elected position as Governor or Lieutenant Governor or by accepting contributions totaling \$2,000.00 or more or by making expenditures totaling \$2,000.00 or more.

(b) A candidate who accepts Vermont campaign finance grants shall:

(1) not solicit, accept, or expend any contributions except qualifying contributions, Vermont campaign finance grants, and contributions authorized under section 2955 of this chapter, which contributions may be solicited, accepted, or expended only in accordance with the provisions of this subchapter;

(2) deposit all qualifying contributions, Vermont campaign finance grants, and any contributions accepted in accordance with the provisions of section 2955 of this chapter in a federally insured noninterest-bearing checking account; and

(3) not later than 40 days after the general election, deposit in the Secretary of State Services Fund, after all permissible expenditures have been paid, the balance of any amounts remaining in the account established under subdivision (2) of this subsection.

§ 2954. QUALIFYING CONTRIBUTIONS

(a) In order to qualify for Vermont campaign finance grants, a candidate for the office of Governor or Lieutenant Governor shall obtain during the Vermont

campaign finance qualification period the following amount and number of qualifying contributions for the office being sought:

(1) for Governor, a total amount of no less than \$35,000.00 collected from no fewer than 1,500 qualified individual contributors making a contribution of no more than \$50.00 each; or

(2) for Lieutenant Governor, a total amount of no less than \$17,500.00 collected from no fewer than 750 qualified individual contributors making a contribution of no more than \$50.00 each.

(b) A candidate shall not accept more than one qualifying contribution from the same contributor and a contributor shall not make more than one qualifying contribution to the same candidate in any Vermont campaign finance qualification period. For the purpose of this section, a qualified individual contributor means an individual who is registered to vote in Vermont. No more than 25 percent of the total number of qualified individual contributors may be residents of the same county.

(c) Each qualifying contribution shall indicate the name and town of residence of the contributor and the date received and be acknowledged by the signature of the contributor.

(d) A candidate may retain and expend qualifying contributions obtained under this section. A candidate may expend the qualifying contributions for the purpose of obtaining additional qualifying contributions and may expend the remaining qualifying contributions during the primary and general election periods. Amounts expended under this subsection shall be considered expenditures for purposes of this chapter.

§ 2955. VERMONT CAMPAIGN FINANCE GRANTS; AMOUNTS; TIMING

(a) The Secretary of State shall make grants from the Secretary of State Services Fund in separate grants for the primary and general election periods to candidates who have qualified for Vermont campaign finance grants under this subchapter.

(b) Whether a candidate has entered a primary or is an independent candidate, Vermont campaign finance grants shall be in the following amounts:

(1) For Governor, \$75,000.00 in a primary election period and \$225,000.00 in a general election period, provided that the grant for a primary election period shall be reduced by an amount equal to the candidate's qualifying contributions.

(2) For Lieutenant Governor, \$25,000.00 in a primary election period and \$75,000.00 in a general election period, provided that the grant for a

primary election period shall be reduced by an amount equal to the candidate's qualifying contributions;

(3) A candidate who is an incumbent of the office being sought shall be entitled to receive a grant in an amount equal to 85 percent of the amount listed in subdivision (1) or (2) of this subsection.

(c) In an uncontested general election and in the case of a candidate who enters a primary election and is unsuccessful in that election, an otherwise eligible candidate shall not be eligible for a general election period grant. However, such candidate may solicit and accept contributions and make expenditures as follows: contributions shall be subject to the limitations set forth in subchapter 3 of this chapter, and expenditures shall be limited to an amount equal to the amount of the grant set forth in subsection (b) of this section for the general election for that office.

(d) Grants awarded in a primary election period but not expended by the candidate in the primary election period may be expended by the candidate in the general election period.

(e) Vermont campaign finance grants for a primary election period shall be paid to qualifying candidates within the first 10 business days of the primary election period. Vermont campaign finance grants for a general election period shall be paid to qualifying candidates during the first 10 business days of the general election period.

§ 2956. MONETARY AMOUNTS ADJUSTED FOR INFLATION

The monetary amounts contained in sections 2953–2955 of this subchapter shall be adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter.

Sec. 4. 17 V.S.A. § 2937 is amended to read:

§ 2937. REPORT OF MASS MEDIA ACTIVITIES

(a)(1) In addition to any other reports required to be filed under this chapter, a person who makes expenditures for any one mass media activity totaling \$500.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within 45 days before a primary, general, county, or local election shall, for each activity, file a mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

(2) The copy of the mass media report shall be sent by e-mail to each candidate who has provided the Secretary of State with an e-mail address on his or her consent form and to any other candidate by mail.

(3) The mass media report shall be filed and the copy of the report shall be sent within 24 hours of the expenditure or activity, whichever occurs first. For the purposes of this section, a person shall be treated as having made an expenditure if the person has executed a contract to make the expenditure.

(b) The report shall identify the person who made the expenditure; the name of each candidate whose name or likeness was included in the activity; the amount and date of the expenditure; to whom it was paid; and the purpose of the expenditure.

(c) If the activity occurs within 30 days before the election and the expenditure was previously reported, an additional report shall be required under this section.

~~(d)(1) In addition to the reporting requirements of this section, an independent expenditure only political committee that makes an expenditure for any one mass media activity totaling \$5,000.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within 45 days before a primary, general, county, or local election shall, for each such activity, file an independent expenditure only political committee mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.~~

~~(2) The report shall include all of the information required under subsection (b) of this section, as well as the names, dates, and amounts of all contributions in excess of \$100.00 accepted since the filing of the committee's last report. [Repealed.]~~

Sec. 5. APPROPRIATION

The amount of \$100,000.00 is appropriated to the Office of the Secretary of State for the purpose of the preliminary measures necessary to establish the digital filing of campaign finance reports and direct machine-readable electronic access to the individual data elements in each report as required by Sec. 3 of this act in 17 V.S.A. § 2931.

Sec. 6. EVALUATION OF 2014 PRIMARY AND GENERAL ELECTIONS

The House and Senate Committees on Government Operations shall evaluate the 2014 primary and general elections to determine whether the major provisions of this act are accomplishing their intended purposes.

Sec. 7. EFFECTIVE DATES; TRANSITIONAL PROVISIONS

(a) This act shall take effect on passage, except that:

(1) in Sec. 3 of this act, 17 V.S.A. § 2931 (submission of reports to the Secretary of State) shall take effect on January 15, 2015;

(2) in Sec. 3 of this act, 17 V.S.A. § 2921(6) (limitations of contributions; aggregate limits on contributions from a single source) shall not take effect unless the final disposition, including all appeals, of *McCutcheon v. Federal Election Commission*, No. 12cv1034 (D.D.C. Sept. 28, 2012) either:

(A) holds that aggregate limits on contributions from single sources are constitutional; or

(B) does not result in an order of the Court that aggregate limits on contributions from single sources are unconstitutional; and

(3) Sec. 4 of this act, amending 17 V.S.A. § 2937, shall not take effect unless the final disposition, including all appeals, of *Vermont Right to Life Committee, Inc. v. Sorrell*, No. 2:09-cv-188 (D. Vt. June 21, 2012) either:

(A) holds that limits on contributions to independent expenditure-only political committees are constitutional; or

(B) does not result in an order of the Court that limits on contributions to independent expenditure-only political committees are unconstitutional.

(b) The provisions of 17 V.S.A. § 2921(4) (limitations of contributions; limits on contributions to a political committee) in Sec. 3 of this act shall not apply to independent expenditure-only political committees, except that those provisions shall apply to independent expenditure-only political committees if the final disposition, including all appeals, of *Vermont Right to Life Committee, Inc. v. Sorrell*, No. 2:09-cv-188 (D. Vt. June 21, 2012) either:

(1) holds that limits on contributions to independent expenditure-only political committees are constitutional; or

(2) does not result in an order of the Court that limits on contributions to independent expenditure-only political committees are unconstitutional.

(c) As used in this section, “independent expenditure-only political committee” shall have the same meaning as that term is defined in Sec. 3, 17 V.S.A. § 2901(9), of this act.

And that when so amended the bill ought to pass.

Thereupon, during the report of the Committee on Government Operations, Senator Campbell moved that the Senate recess until 5:00 P.M.

Which was agreed to.

Called to Order

The Senate was called to order by the President.

Consideration Resumed; Bill Amended; Bill Ordered to Lie**S. 82.**

Consideration was resumed on Senate bill entitled:

An act relating to campaign finance law.

Thereupon, the report of the Committee on Government Operations was completed.

Senator Fox, for the Committee on Appropriations, to which the bill was referred, reported recommending that they have considered the same and recommend that the bill be amended as recommended by the Committee on Government Operations, with the following amendments thereto:

First: By striking out Sec. 5 in its entirety.

Second: By striking out Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. EVALUATION OF 2014 PRIMARY AND GENERAL ELECTIONS

The House and Senate Committees on Government Operations shall evaluate the 2014 primary and general elections to determine the effect of the implementation of this act.

Third: By striking out Sec. 7 in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. EFFECTIVE DATES; TRANSITIONAL PROVISIONS

(a) This act shall take effect on passage, except that:

(1) in Sec. 3 of this act, 17 V.S.A. § 2931 (submission of reports to the Secretary of State) shall take effect on January 15, 2015;

(2) in Sec. 3 of this act, 17 V.S.A. § 2921(6) (limitations of contributions; aggregate limits on contributions from a single source) shall not take effect unless the final disposition, including all appeals, of *McCutcheon v. Federal Election Commission*, No. 12cv1034 (D.D.C. Sept. 28, 2012) holds that aggregate limits on contributions from single sources are constitutional; and

(3) Sec. 4 of this act, amending 17 V.S.A. § 2937, shall not take effect unless the final disposition, including all appeals, of *Vermont Right to Life Committee, Inc. v. Sorrell*, No. 2:09-cv-188 (D. Vt. June 21, 2012) holds that

limits on contributions to independent expenditure-only political committees are constitutional.

(b) The provisions of 17 V.S.A. § 2921(4) (limitations of contributions; limits on contributions to a political committee) in Sec. 3 of this act shall not apply to independent expenditure-only political committees, except that those provisions shall apply to independent expenditure-only political committees if the final disposition, including all appeals, of *Vermont Right to Life Committee, Inc. v. Sorrell*, No. 2:09-cv-188 (D. Vt. June 21, 2012) holds that limits on contributions to independent expenditure-only political committees are constitutional.

(c) As used in this section, “independent expenditure-only political committee” shall have the same meaning as that term is defined in Sec. 3, 17 V.S.A. § 2901(9), of this act.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the recommendation of amendment of the Committee on Government Operations be amended as recommended by the Committee on Appropriations?, Senator White moved the question be divided.

Thereupon, the *first* and *second* recommendations of amendment were agreed to.

Thereupon, the *third* recommendation of amendment was agreed to on a roll call, Yeas 20, Nays 10.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Benning, Bray, Campbell, Collins, Cummings, Doyle, Flory, Fox, Hartwell, Kitchel, Lyons, Mazza, Mullin, Nitka, Rodgers, Sears, Snelling, Starr, Westman.

Those Senators who voted in the negative were: Ayer, Baruth, French, Galbraith, MacDonald, McAllister, McCormack, Pollina, White, Zuckerman.

Thereupon, Senator Ayer, on behalf of the Committee on Government Operations moved to amend the recommendation of amendment of the Committee on Government Operations, as amended, as follows

First: In Sec. 3, in 17 V.S.A. § 2925 (general provisions), in subsection (e), after the following: “includes the candidate’s committee” by adding the following: , except in regard to the provisions of subsection (d) of this section

Second: In Sec. 3, in 17 V.S.A. § 2933 (campaign reports; candidates for state office and the General Assembly; political committees; political parties), in subsection (a), by striking out subdivisions (1)-(4) in their entirety and inserting in lieu thereof the following:

(1) in the first year of the two-year general election cycle, quarterly, beginning on March 15 of the odd-numbered year; and

(2) in the second year of the two-year general election cycle:

(A) on March 15 and June 15;

(B) on July 15, August 1, and August 15;

(C) on September 15;

(D) on October 1, October 15, and November 1; and

(E) two weeks after the general election.

Third: In Sec. 3, by redesignating the title of 17 V.S.A. § 2934 to read as follows:

§ 2934. ADDITIONAL CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE AND THE GENERAL ASSEMBLY

Fourth: In Sec. 3, in 17 V.S.A. § 2936 (campaign reports; local candidates), by inserting a new subsection to be subsection (b) to read as follows:

(b) Within 40 days after the local election, each candidate for local office who has made expenditures or accepted contributions of \$500.00 or more shall file with the Secretary of State a “final report” which lists a complete accounting of all contributions and expenditures since the last report and a disposition of surplus and which shall constitute the termination of his or her campaign activities.

And by relettering the remaining subsection to be subsection (c)

Fifth: In Sec. 7 (effective dates; transitional provisions), in subdivision (a)(2) (regarding aggregate limits on contributions from a single source), after the following: shall not take effect by adding the following: any sooner than January 15, 2015 and

Which was agreed to.

Thereupon, Senators Galbraith, Baruth, Benning, Ashe and Zuckerman moved that the recommendation of amendment of the Committee on Government Operations, as amended, as follows:

First: In Sec. 1 (findings), by adding four new subdivisions to be subdivisions (12), (13), (14) and (15) to read as follows:

(12) J.R.S. 11, adopted in 2012, declared the General Assembly's support for a U.S. constitutional amendment "that provides that money is not speech and corporations are not persons under the U.S. Constitution."

(13) The General Assembly, in its findings in J.R.S. 11 in support of a constitutional amendment, noted that "in 1907, Congress enacted the Tillman Act prohibiting corporate financial contributions to federal election campaigns for public office."

(14) The Tillman Act remains the law of the land and has reduced the corrupting influence of corporations and other special interests in congressional and presidential elections.

(15) The General Assembly reaffirms its support for J.R.S. 11, for the proposition that money is not speech, and for the Tillman Act.

Second: In Sec. 3, in 17 V.S.A. § 2901, by inserting a new subdivision to be subdivision (14) to read as follows:

(14) "Separate segregated fund" means a bank account held separately from the general treasury of a corporation or labor union and which contains only contributions made by natural persons within the contribution limits of this chapter for those persons.

And by renumbering the remaining subdivisions within 17 V.S.A. § 2901 to be numerically correct.

Third: In Sec. 3, under Subchapter 2 (registration and maintenance requirements), by adding a new section to be 17 V.S.A. § 2915 to read as follows:

§ 2915. REQUIREMENTS FOR SEPARATE SEGREGATED FUNDS

(a) The separate segregated fund of a corporation or labor union shall be considered a political committee.

(b) Only a natural person may make a contribution to a separate segregated fund.

(c) A separate segregated fund may be used only to make contributions to candidates, political committees, or political parties.

Fourth: In Sec. 3, under Subchapter 3 (contribution limitations), by adding a new section to be 17 V.S.A. § 2926 to read as follows:

§ 2926. LIMITATIONS ON CONTRIBUTIONS; CORPORATIONS AND LABOR UNIONS; SEPARATE SEGREGATED FUNDS

(a) Notwithstanding any provision of law to the contrary and except as provided in subsection (b) of this section, a corporation or labor union shall not make a contribution to a candidate, political committee, or political party.

(b)(1) A corporation or labor union may:

(A) establish a separate segregated fund that may contribute to candidates, political committees, and political parties; and

(B) provide its meeting facilities to a candidate, political committee, or political party on a nondiscriminatory and nonpreferential basis.

(2) A corporation may use money, property, labor, or any other thing of monetary value of the corporation for the purposes of soliciting its stockholders, executive or administrative personnel, and the immediate families of those persons for contributions to the corporation's separate segregated fund and for financing the administration of that separate segregated fund. The corporation's employees and the immediate families of those employees to whom the foregoing authority does not extend may only be solicited in writing, and such solicitations may only take place two times in a calendar year.

(3) A labor union may use money, property, labor, or any other thing of monetary value of the labor union for the purposes of soliciting its members, executive or administrative personnel, and the immediate families of those persons for contributions to the labor union's separate segregated fund and for financing the administration of that separate segregated fund. The labor union's employees and the immediate families of those employees to whom the foregoing authority does not extend and stockholders and their immediate families of a corporation in which the labor union represents members working for the corporation may only be solicited in writing, and such solicitations may only take place two times in a calendar year.

(c) Notwithstanding any provision of law to the contrary, a candidate, political committee, or political party shall not accept a contribution from a corporation or labor union except from the separate segregated fund of that corporation or labor union.

(d) The provisions of this section shall not apply to a non-profit corporation that:

(1) is not organized or operating for the principal purpose of conducting a business;

(2) has no shareholders or other persons affiliated so as to have a claim on its assets or earnings; and

(3) was not established by a business corporation or a labor union and has a policy not to accept significant contributions from those entities.

(e) As used in this section, "immediate families" means the spouse and the father, mother, sons, and daughters who live in the same household as a corporation or labor union's stockholder, executive or administrative personnel, member, or employee.

Which was agreed to, on a roll call, Yeas 21, Nays 8.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Baruth, Benning, Campbell, Cummings, Doyle, Fox, Galbraith, Hartwell, Kitchel, MacDonald, Mazza, McAllister, McCormack, Mullin, Pollina, Rodgers, Sears, Starr, Westman, *Zuckerman.

Those Senators who voted in the negative were: Ayer, Bray, Flory, French, Lyons, Nitka, Snelling, White.

The Senator absent and not voting was: Collins.

*Senator Zuckerman explained his vote as follows:

"I hope the yes votes were sincere."

Thereupon, Senator Mazza, moved the bill be committed to the Committee on Judiciary. Thereupon, pending the question, Shall the bill be committed to the Committee on Judiciary?, Senator Mazza requested and was granted leave to withdraw his motion.

Thereupon, on motion of Senator Campbell the bill was ordered to lie.

Bills Passed

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

S. 11. An act relating to the Austine School

S. 26. An act relating to providing state financial support for school meals for children of low-income households.

S. 61. An act relating to the shipment of malt beverages.

S. 132. An act relating to sheriffs, deputy sheriffs, and the service of process.

S. 152. An act relating to the Green Mountain Care Board's rate review authority.

S. 157. An act relating to modifying the requirements for hemp production in the State of Vermont.

Adjournment

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