

House Calendar

Monday, March 27, 2017

83rd DAY OF THE BIENNIAL SESSION

House Convenes at 1:00 PM

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 130

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

H. 308

An act relating to a committee to reorganize and reclassify Vermont's criminal statutes

H. 326

An act relating to eligibility and calculation of grant or subsidy amount for Reach Up, Reach Ahead, and the Child Care Services Program

Committee Bill for Second Reading

H. 514

An act relating to elections corrections.

(Rep. LaClair of Barre Town will speak for the Committee on Government Operations.)

Favorable with Amendment

H. 111

An act relating to vital records

Rep. Devereux of Mount Holly, for the Committee on Government Operations, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * General Provisions Related to Vital Records * * *

Sec. 1. 18 V.S.A. § 4999 is added to 18 V.S.A. chapter 101 to read:

§ 4999. DEFINITIONS

As used in this part, unless the context requires otherwise:

(1) “Issuing agent” means a town clerk or duly authorized representative of the State Registrar who issues certified and noncertified copies of birth and death certificates from the Statewide Registration System.

(2) “Licensed health care professional” means a physician, a physician assistant, or an advanced practice registered nurse.

(3) “Municipality” or “town” means a city, town, village, unorganized town or gore, or town or gore within the unified towns and gores of Essex County.

(4) “Noncertified copy” means a copy of a vital event certificate issued by a public agency as defined in 1 V.S.A. § 317, other than a certified copy.

(5) “Office of Vital Records” means an office of the Department of Health responsible for the Statewide Registration System and with the authority over vital records provided by law.

(6) “Registrant” means the individual who is the subject of a vital event certificate.

(7) “Statewide Registration System” or “System” means:

(A) the sole official repository of data from birth and death certificates registered on or after January 1, 1909; and

(B) such other data related to vital records as the State Registrar may prescribe.

(8) “Town clerk” or “municipal clerk” or “clerk” means a town clerk, a city clerk, a county clerk acting on behalf of an unorganized town or gore, or the supervisor of the unified towns and gores of Essex County, or a town official or employee designated by the same to act on his or her behalf.

(9) “Vital event certificate” means a birth, death, marriage, or civil union certificate or a report of divorce, annulment, or dissolution. “Vital event certificate” does not include any confidential portion of a report of birth or of death or of a marriage or civil union license or application therefor.

(10) “Vital record” means:

(A) a report of birth, death, fetal death, or induced termination of pregnancy or a preliminary report of death;

(B) a vital event certificate;

(C) a marriage or civil union license;

(D) a burial-transit permit; and

(E) any other records associated with the creation, registration, processing, modification, or disclosure of the records described in this subdivision (10).

Sec. 2. 18 V.S.A. § 5020 is redesignated to read:

§ 5020 5000. SUPERVISOR OF VITAL RECORDS STATE REGISTRAR; DUTIES; AUTHORITY; STATEWIDE REGISTRATION SYSTEM; ISSUING AGENTS

Sec. 3. 18 V.S.A. § 5000 is amended to read:

§ 5000. STATE REGISTRAR; DUTIES; AUTHORITY; STATEWIDE REGISTRATION SYSTEM; ISSUING AGENTS

(a) ~~The commissioner~~ Commissioner shall designate a member of the ~~department~~ Department as ~~supervisor of vital records registration who~~ the State Registrar. The State Registrar shall head the Office of Vital Records, and shall provide consultation to town and county clerks, hospital personnel, physicians licensed health care professionals, midwives, funeral directors, clergymen clergy, probate judges, and all other persons involved in vital records registration for the purpose of promoting uniformity of procedures in reaching a order to promote the complete, accurate, and timely, and lawful creation, registration, processing, modification, and disclosure of vital records.

(b) The Commissioner may exercise any authority granted to or fulfill any duties conferred on the State Registrar under this part or any other provision of law related to vital records, and the State Registrar may delegate the exercise of his or her authority or the performance of his or her duties to a duly authorized representative.

(c)(1) The State Registrar shall operate the Statewide Registration System, which shall be the sole official repository of data from birth and death certificates registered on or after January 1, 1909. The State Registrar shall create and maintain an index which, at a minimum, will enable the public to search contents of the System by the name of the registrant and the date of the vital event.

(2) Birth and death certificates registered prior to January 1, 1909:

(A) shall not be incorporated into the Statewide Registration System;

(B) shall be maintained at the offices of town clerks as specified in section 5007 of this title; and

(C) shall not be eligible for amendment under this part.

(3) The State Registrar shall investigate and attempt to resolve any known discrepancy between the contents of a vital event certificate in the custody of the State Registrar and a vital event certificate maintained in the office of a town clerk. In addition, the State Registrar shall have the authority to change the contents of a birth or death certificate in the System in order to address a known error or to conform the certificate to the requirements of a court order. The State Registrar shall record and maintain in the System the nature and content of a change made in the System, the identity of the person making the change, and the date of the change.

(4) Except as authorized under subdivision 5073(a)(3) of this title, and except for corrections, completions, or amendments to address known errors or omissions, the State Registrar shall deny any application under this part requesting a correction, completion, or amendment of a birth or death certificate in order to change a name, and shall change a name only in accordance with a court order.

(d)(1) Except as provided in subdivision (2) of this subsection, town clerks in the State shall aid in the efficient administration of the Statewide Registration System and shall act as agents to issue copies of birth and death certificates from the Statewide Registration System in accordance with section 5016 of this title.

(2) By filing a written notice with the State Registrar, a town clerk may opt out of serving as an issuing agent.

(e) The State Registrar shall, consistent with the requirements of this part:

(1) administer the Statewide Registration System and fulfill the duties assigned to him or her under this part;

(2) provide for the preservation and security of the official records of the Office of Vital Records, and for the matching of birth and death records in order to prevent the fraudulent use of birth and death certificates of deceased persons;

(3) promote uniformity of policy and procedures pertaining to vital records and vital statistics throughout the State;

(4) prescribe the contents and form of vital record reports, vital event certificates, and related applications and documents; prescribe the contents and form of burial-transit permits; and distribute the same;

(5) maintain a Vital Records Alert System in order to track and prevent misrepresentation, fraud, or illegal activities in connection with vital records;

(6) implement audit and quality control procedures as necessary to ensure compliance with vital records filing and reporting requirements;

(7) prescribe:

(A) the contents and form of applications for a certified copy of birth or death certificate after consultation with the Vermont Municipal Clerks' & Treasurers' Association;

(B) the manner in which vital records required to be submitted to him or her shall be submitted;

(C) physical requirements and security standards for storage of vital event certificates and related supplies, after consideration of best practices issued by state and federal law enforcement and public health organizations;

(D) the manner in which the Department of Public Safety shall furnish lists of missing and kidnapped children to the State Registrar; and

(E) procedures governing the public's inspection of birth and death certificates, if necessary to protect the integrity of the certificates or to deter fraud;

(8) adopt rules governing:

(A) acceptable content and limitations on the number of characters on a birth certificate;

(B) acceptable forms of identification required in connection with applications for certified copies of birth and death certificates; and

(C) the process for denying a certified copy of a birth or death certificate based on a Vital Records Alert System match or evidence of fraud or misrepresentation, notifying affected persons of the denial, and investigating and resolving the issue identified.

(f) The State Registrar may adopt rules as may be necessary to carry out his or her duties under this part.

Sec. 4. 18 V.S.A. § 5001 is amended to read:

§ 5001. ~~VITAL RECORDS; FORMS OF CERTIFICATES~~ DUTIES OF CUSTODIANS

~~(a) Certificates of birth, marriage, civil union, divorce, death, and fetal death shall be in form prescribed by the commissioner of health and distributed by the department of health.~~

~~(b) Beginning on January 1, 2010, all certificates of birth, marriage, civil union, divorce, death, and fetal death certified copies of vital event certificates shall be issued on unique paper with antifraud features approved by the commissioner of health State Registrar and available from the department of health Office of Vital Records.~~

(b) Town custodians of vital event certificates shall ensure that the following are stored in a fireproof safe or vault:

(1) blank copies of antifraud paper;

(2) original vital event certificates; and

(3) such other records or materials as the State Registrar may prescribe.

(c)(1) The State Registrar may audit any municipal or county office that stores or issues vital records to determine its compliance with the requirements of this part and any rules adopted thereunder. The State Registrar may require an office that fails an audit to cease issuing vital records until it passes a new audit.

(2) Following a failed audit, upon request, the State Registrar shall conduct a follow-up audit within 30 days of the request.

Sec. 5. 18 V.S.A. § 5002 is amended to read:

§ 5002. RETURNS; TABLES REPORT OF VITAL STATISTICS;

PRESERVATION OF RECORDS; AUTHORITY TO ISSUE

~~The commissioner of health~~ State Registrar shall prepare from the returns of an annual vital statistics report summarizing reports or returns of births, marriages, civil unions, deaths, fetal deaths, and divorces required by law to be transmitted to the commissioner such tables and append thereto such recommendations as he or she deems proper, and during the month of July in each even year, shall cause the same to be published as directed by the board, annulments, and dissolutions received in the prior calendar year. The ~~commissioner~~ State Registrar shall file and preserve all such returns. ~~The commissioner shall periodically transmit the original returns or photostatic or photographic copies to the state archivist of marriages, divorces, annulments, and dissolutions to the State Archivist, who shall keep the returns, or photostatic or photographic copies of the returns, on file for use by the public. The commissioner and the state archivist~~ State Registrar and the State Archivist shall each, independently of the other, have power to issue certified copies of ~~such records~~ vital event certificates in their custody.

Sec. 6. 18 V.S.A. § 5003 is amended to read:

§ 5003. FORMS MATERIALS FOR ISSUING AGENTS

~~The commissioner~~ State Registrar shall procure and send to each town and county clerk such forms and reports of uniform size, and with margin for binding, issuing agents materials as are may be necessary to be used in compliance with the provisions of this part for the issuance of vital event certificates.

Sec. 7. 18 V.S.A. § 5005 is amended to read:

§ 5005. UNORGANIZED TOWNS AND GORES

~~(a) The county clerk of a county wherein is situated where an unorganized town or gore is situated shall have the authority, perform the same duties, and be subject to the same penalties as town clerks in respect to licenses, certificates, records, and returns of parties, both of whom reside in an unorganized town or gore in such county or where one party to a civil marriage or a civil union so resides and the other party resides in an unorganized town or gore in another county or without the state. The cost of binding such certificates shall be paid by the state prescribed in this part in relation to vital records with respect to residents of the unorganized town or gore.~~

~~(b) A report of births and deaths in unorganized towns and gores shall be made to the county clerk who shall record the same as is required in relation to such statistics in a town.~~

Sec. 8. 18 V.S.A. § 5006 is amended to read:

§ 5006. VITAL RECORDS EVENT INFORMATION PUBLISHED IN TOWN REPORTS

~~Town clerks annually may compile and the or auditors may publish in the annual town report a transcript of the record of nonconfidential information and statistics concerning births, marriages, civil unions, and deaths recorded of residents during the preceding calendar year. Upon request, the State Registrar shall furnish a town clerk such information and statistics.~~

Sec. 9. 18 V.S.A. § 5007 is amended to read:

§ 5007. PRESERVATION OF DATA RECORDS

~~A town clerk shall receive, number, and file for record certificates of births, marriages, civil unions, and deaths, and shall preserve such certificates together with the and burial-transit and removal permits returned to the clerk, in a fireproof vault or safe, as provided by 24 V.S.A. § 1178. A town clerk shall permanently preserve at the office of the clerk birth and death certificates registered prior to July 1, 2018, and marriage and civil union certificates.~~

Sec. 10. 18 V.S.A. § 5008 is amended to read:

§ 5008. TOWN CLERK; RECORDING AND INDEXING PROCEDURES

~~A town clerk shall file for record and index in volumes all marriage certificates and burial-transit permits received by the town. Each volume or series shall contain an alphabetical index. Civil marriage certificates shall be filed for record in one volume or series, civil unions union certificates kept in another, birth certificates in another, and death certificates and burial-transit and removal permits in another. However, except that in a town having less than 500 inhabitants, the town clerk may cause civil marriage, civil union,~~

~~birth, and death certificates, and burial-transit and removal permits to be filed for record in one volume, provided that none of such volumes shall contain more than 250 certificates and permits. All volumes shall be maintained in the town clerk's office as permanent records.~~

Sec. 11. 18 V.S.A. § 5009 is amended to read:

§ 5009. NONRESIDENTS; CERTIFIED COPIES TO TOWN OF RESIDENCE

On the first day of each month, the town clerk shall make a certified copy of each original ~~or~~, corrected certificate of birth, or amended civil marriage, certificate or amended civil union, and death filed certificate filed in the clerk's office during the preceding month, whenever ~~the parents of a child born were, or a party to a civil marriage or a civil union or a deceased person was,~~ was a resident in any other Vermont town at the time of such birth, the civil marriage, or civil union, or death, and shall transmit such ~~the~~ certified copy to the clerk of ~~such the~~ other Vermont town, who shall file the same.

Sec. 12. 18 V.S.A. § 5010 is amended to read:

§ 5010. REPORT OF STATISTICS TRANSMITTAL OF MARRIAGE CERTIFICATES

~~The town clerk in of each town of over 5,000 population or in a town where a general hospital as defined in subdivision 1902(1) of this title, is located, shall each week transmit to the supervisor of vital records registration State Registrar copies, duly certified, of each birth, death, marriage, and civil union certificate filed in the town in the preceding week. In all other towns, the clerk shall transmit such copies of birth, death, marriage, and civil union certificates received during the preceding month on or before the 10th day of each succeeding month.~~

Sec. 13. 18 V.S.A. § 5011 is amended to read:

§ 5011. PENALTY VIOLATIONS; PENALTIES

~~A town clerk who fails to transmit such copies of birth, marriage, civil union, and death certificates as provided in section 5010 of this title shall be fined not more than \$100.00.~~

(a)(1) A person shall not:

(A) knowingly make a false statement, or knowingly supply false information intending that such information be used, in connection with a vital record;

(B) without lawful authority and with the intent to deceive, make, counterfeit, alter, or mutilate any vital record;

(C) without lawful authority and with the intent to deceive, obtain, possess, or use, or sell or furnish to another person, any vital record that:

(i) has been counterfeited, altered, or mutilated;

(ii) is false in whole or in part; or

(iii) relates to another person, whether living or deceased;

(D) without lawful authority, possess any vital record knowing the same to have been stolen or otherwise unlawfully obtained.

(2) A person who violates this subsection shall be fined not more than \$10,000.00 or imprisoned for not more than five years, or both.

(b)(1) A person shall not:

(A) knowingly refuse to provide information that the person knows is required of him or her by this part or by rules adopted to carry out its purposes; or

(B) knowingly neglect or violate any of the provisions the person knows are imposed upon him or her by this part or knowingly refuse to perform any of the duties the person knows are imposed upon him or her by this part.

(2) A person who violates this subsection shall be fined not more than \$1,000.00 or imprisoned for not more than one year, or both.

(c) An employee of the Office of Vital Records or any issuing agent who knowingly furnishes or processes a certified copy of a vital event certificate with the knowledge or intention that it may be used for the purposes of deception shall be fined not more than \$10,000.00 or imprisoned for not more than five years, or both.

(d) The Commissioner or a hearing officer designated by the Commissioner may, after notice and an opportunity for hearing, impose a civil administrative penalty of not more than \$250.00 against a person who fails to perform any duty imposed or violates a prohibition under this part. A hearing under this subsection shall be a contested case subject to the provisions of 3 V.S.A. chapter 25, and the provisions of 3 V.S.A. §§ 809(h), 809a, and 809b related to subpoenas shall extend to the Commissioner, a hearing officer appointed by the Commissioner, and licensed attorneys representing a party.

Sec. 14. 18 V.S.A. § 5013 is amended to read:

~~§ 5013. TOWN CLERK; SINGLE INDEX BIRTHS AND DEATHS~~

~~A town clerk shall prepare and keep a single index of births and deaths in alphabetical order, except as provided by 24 V.S.A. § 1153. [Repealed.]~~

Sec. 15. 18 V.S.A. § 5014 is added to read:

§ 5014. CONFIDENTIALITY

(a)(1) A vital record, or information therein, that by law is designated confidential or by a similar term, that by law may only be disclosed to specifically designated persons, or that by law is not a public record, is exempt from inspection and copying under the Public Records Act and shall be kept confidential to the extent provided by law.

(2) Records or information described in subdivision (1) of this subsection may be disclosed:

(A) for public health or research purposes in accordance with law;

(B) to a regulatory or law enforcement agency for enforcement purposes, if the agency has agreed to accept the terms of an agreement with the Office of Vital Records governing use and confidentiality of the information;

(C) to the vital records office of another state, if the subject of the vital record was a resident of the other state at the time of the vital event that led to creation of the record; or

(D) in a summary, statistical, or other format in which particular individuals are not identified directly or indirectly.

(b)(1) Except as otherwise provided in subdivision (a)(2) of this section and subdivision (2) of this subsection, the following information is exempt from public inspection and copying under the Public Records Act, shall be kept confidential, and, in any civil action, shall not be subject to discovery or subpoena or be admissible:

(A) Social Security information and information collected only for medical and health purposes in reports of birth;

(B) Social Security numbers in reports of death or in preliminary reports of death;

(C) prior marriage and legal guardianship information and elections to dissolve a civil union in a marriage or civil union license or license application;

(D) such other information contained in a vital record as the State Registrar may designate through a rule adopted pursuant to 3 V.S.A. chapter 25, but only if the designation is necessary to protect the privacy of an individual.

(2) The person who is the subject of the record or his or her authorized representative shall be entitled to obtain a copy of the information.

(c) Information in or received from the Vital Records Alert System is exempt from public inspection and copying under the Public Records Act and shall be kept confidential, except that, in addition to the exceptions to confidentiality provided in subdivision (a)(2) of this section, such information may be shared with an issuing agent in order to correct and prevent mistakes and criminal activity.

Sec. 16. 18 V.S.A. § 5015 is amended to read:

§ 5015. STATISTICS BY HEAD OF FAMILY BECOMING RESIDENT

~~The head of a family who moves into and becomes a permanent resident of this state may cause to be recorded in the office of the clerk of the town where he or she resides, or if he or she resides in an unorganized town or gore, in the office of the clerk of the county wherein he or she resides, a certificate of his or her marriage embracing the statistics required by law, and may also cause to be recorded the birth of any of his or her children born without the state, with the statistics relating to such birth required by law, and shall make oath to the correctness of such statistics. Such record shall not be returned to the commissioner. [Repealed.]~~

Sec. 17. 18 V.S.A. § 5016 is added to read:

§ 5016. BIRTH AND DEATH CERTIFICATES; COPIES; INSPECTION

(a) Access and issuance generally.

(1) Except as provided in subdivisions (2) and (3) of this subsection:

(A) only the State Registrar and issuing agents may issue certified copies of birth and death certificates registered before July 1, 2018, and such certificates shall only be issued from the Statewide Registration System; and

(B) only the State Registrar and issuing agents may issue certified or noncertified copies of birth and death certificates registered on or after July 1, 2018, and such certificates shall only be issued from the Statewide Registration System.

(2) Copies of birth and death certificates registered prior to January 1, 1909 shall not be issued from the Statewide Registration System. Any town clerk may issue a certified copy of a pre-1909 birth or death certificate, provided he or she fulfills the requirements of subsection (b) of this section and such additional requirements as the State Registrar may prescribe as necessary to track antifraud paper used to produce such copies.

(3) A certified or noncertified birth or death certificate shall only be issued as authorized and prescribed in this section, except that in either of the following circumstances, a public agency may issue a noncertified copy even if it does not follow the requirements of this section governing

noncertified copies:

(A) if the public agency is an agency other than the Office of Vital Records, the Vermont State Archives and Records Administration, or the office of a town or county, and the public agency has custody of a birth or death certificate acquired in the course of its business; or

(B) if the birth or death certificate was filed in the records of a town or county office, such as land records, for a reason unrelated to its official role under law as a repository of registered birth or death certificates.

(4) The word “illegitimate” shall be redacted from any certified or noncertified copy of a birth certificate.

(5) If necessary to prevent fraud, the State Registrar may limit the issuance of a certified or noncertified copy of a certificate of live birth for a foreign born child in the same manner as copies of birth certificates are limited under this section.

(b) Certified copies.

(1) The State Registrar and issuing agents may issue certified copies of birth and death certificates only upon receipt of a complete application accompanied by a form of identification prescribed in rules adopted by the State Registrar. The State Registrar and issuing agents shall record in a database maintained by the State Registrar any application received.

(2) Only the following persons shall be eligible for a certified copy of a birth or death certificate:

(A) the registrant or his or her spouse, child, parent, sibling, grandparent, guardian, or petitioner for appointment as executor, or the legal representative of any of these;

(B) a specific person pursuant to a court order finding that a noncertified copy is not sufficient for the applicant’s legal purpose and that a certified copy of the birth or death certificate is needed for the determination or protection of a person’s right; or

(C) in the case of a death certificate only, additionally to:

(i) the individual with authority for final disposition as provided in section 5227 of this title or a funeral home or crematorium acting on the individual’s behalf;

(ii) the Social Security Administration;

(iii) the U.S. Department of Veterans Affairs; or

(iv) the deceased's insurance carrier, if such carrier provides benefits to the decedent's survivors or beneficiaries.

(3) Antifraud paper. Certified copies of birth and death certificates shall be issued only on unique paper with antifraud features approved by the State Registrar.

(4) Legal effect. A certified copy of a birth or death certificate shall be prima facie evidence of the facts stated therein.

(c) Noncertified copies.

(1) Form. A noncertified copy of a birth or death certificate issued from the Statewide Registration System shall indicate the term "Noncertified" on its face.

(2) Legal effect. A noncertified copy of a birth or death certificate shall not serve as prima facie evidence of the facts stated therein, except that it may be recorded in the land records of a municipality to establish the date of birth or death of a person with an ownership interest in property.

(d) Inspection. In addition to the provisions of the Public Records Act, the State Registrar may prescribe procedures governing the inspection of birth and death certificates if necessary to protect the integrity of the certificates or to prevent fraud.

Sec. 18. 18 V.S.A. § 5017 is added to read:

§ 5017. FEES FOR COPIES AND SEARCHES

For a certified copy of a vital event certificate, the fee shall be \$10.00.

* * * Divorce and Dissolution Records * * *

Sec. 19. 18 V.S.A. § 5004 is amended to read:

§ 5004. FAMILY DIVISION OF THE SUPERIOR COURT ~~CLERKS;~~
DIVORCE AND DISSOLUTION RETURNS

The ~~family division of the superior court clerk~~ Family Division of the Superior Court shall send to the ~~commissioner~~ State Registrar, before the 10th day of each month, by county, a report of the number of divorces ~~which~~ and dissolutions that became absolute during the preceding month, showing as to each the names of the parties, date of civil marriage or civil union, number of children, grounds for divorce or dissolution, and such other statistical information available from the ~~family division of the superior court clerk's file~~ Family Division as may be required by the ~~commissioner~~ State Registrar.

* * * Birth Records * * *

Sec. 20. 18 V.S.A. § 5071 is amended to read:

§ 5071. BIRTH REPORTS AND CERTIFICATES; WHO TO MAKE;

RETURN

(a) On or before the fifth business day of each live birth that occurs in this State, the attending physician or designee or midwife or, if no attending physician or midwife is present, a parent of the child or a legal guardian of a mother under 18 years of age shall file with the ~~town clerk~~ State Registrar a certificate report of birth in the form and manner prescribed by the ~~Department~~ State Registrar. ~~The certificate shall be registered~~ State Registrar shall register the report in the Statewide Registration System if it has been completed properly and filed in accordance with this chapter. The portion of the registered birth report that is not confidential under section 5014 of this title is the birth certificate.

(b) At the time of the birth of a child, each parent shall furnish the following information ~~on a form provided for that purpose by the Department of Health to enable completion of the report of birth required under subsection (a) of this section:~~ the parent's name, address, and Social Security number and the name and date of birth of the child. ~~The forms and a copy of the birth certificate shall be filed with the Department of Health on or before the fifth day after the birth of the child.~~

(c)(1) Whoever assumes the custody of a live-born infant of unknown parentage shall ~~complete a certificate~~ file a report of birth as follows:

~~(A) name of the child as given by the custodian, and sex;~~

~~(B) approximate date of birth as determined in consultation with a physician;~~

~~(C) place of birth as place where the child is found;~~

~~(D) in place of certifier, the custodian shall sign and indicate "custodian" rather than "attendant," with date and address; and~~

~~(E) parentage data and other child's data items shall be left blank with the State Registrar in the form and manner prescribed by the State Registrar.~~

(2) If the child is identified and a certificate of birth is found or obtained, the report and any certificate created under this section and copies thereof shall be ~~sealed and deposited with the Commissioner of Health~~ State Registrar and kept confidential, to be opened upon court order only.

(d) The name of the father shall be included on the report of birth and on any birth certificate of the child of unmarried parents only if the father and mother have signed a voluntary acknowledgment of parentage or a court or administrative agency of competent jurisdiction has issued an adjudication of parentage.

(e) When a birth certificate is issued, a parent or parents shall be identified with gender-neutral nomenclature.

Sec. 21. 18 V.S.A. § 5072 is amended to read:

§ 5072. NOTICE TO PARENT FOR CORRECTION OR COMPLETION

~~The supervisor of vital records registration shall, within~~ Within three months after each birth ~~which that~~ occurs in the state State, except for the birth of a child known to have died or to have been surrendered for adoption, the State Registrar shall send a notice of birth registration to the parents of the child. ~~Such~~ The notice shall contain the pertinent facts such as the child's full name, date and place of birth, and the names of the parents, with instructions and a form on which to apply for corrections or additions.

Sec. 22. 18 V.S.A. § 5073 is amended to read:

§ 5073. AMENDMENT OF MINOR ERRORS ON BIRTH CERTIFICATE CORRECTIONS, COMPLETIONS

(a)(1) ~~Within~~ Except as otherwise provided in subdivision (2) of this subsection, within six months after the date of birth, ~~amendment of obvious errors, transpositions of letters in words of common knowledge, or omissions, may be made by the town clerk either upon his or her own observation or the State Registrar may correct or complete a birth certificate in the Statewide Registration System upon request~~ application of a parent, the hospital, in which the birth occurred, or the certifying attendant, or the supervisor of vital records registration.

(2) At any time after the date of birth, the State Registrar may complete a birth certificate to add the name of a father only upon request of the registrant or his or her parent or guardian and upon the receipt of:

(A) a properly executed voluntary acknowledgment of parentage; or

(B) a decree of a court or administrative agency of competent jurisdiction adjudicating parentage.

(3) Within six months after the date of birth, the State Registrar may complete or change the name of a child upon joint application of the parents or upon application of the parent if only one parent is listed on the birth certificate. A court order shall not be required except for completions or changes of name more than six months after the date of birth.

(b) If the State Registrar determines that a correction or completion requested under this section is unwarranted, he or she may deny an application, in which case the applicant may petition the Probate Division of the Superior Court. The court shall review the petition and relevant evidence de novo to determine if the correction or completion is warranted. The court shall

transmit a decree ordering a correction or completion to the State Registrar, who shall correct or complete the certificate in accordance with the decree.

~~(c) The amended A corrected or completed certificate shall be free of any evidence of such correction except that the clerk shall make a notation as to the change and shall not be marked "Amended." However, the State Registrar shall record and maintain in the Statewide Registration System the source of the information, together with his or her name the nature and content of the change, the identity of the person making the change, and the date the change was made, on the margin of the certificate. This notation shall not be included on any certified copy of the certificate issued except as specified in subsection (b) of this section. The certificate shall not be marked "Amended."~~

~~(b) The town clerk shall send a certified copy of any certificate amended under subsection (a) of this section to the commissioner and also to the clerk of any town to whom a copy of the original record was sent under the provisions of section 5009 of this title, and shall enclose with that copy, but not endorsed thereon, a notation identifying the copy to be replaced. The copy shall show the notations specified in subsection (a) of this section. The commissioner shall file this return or copy by attaching the same to the original return or copy.~~

(d) If the State Registrar corrects or completes a certificate that was registered prior to July 1, 2018, he or she shall notify the town clerk or clerks with custody of the certificate, who shall replace and dispose of the uncorrected certificate and update indexes as directed by the State Registrar. Corrected or completed originals shall not be marked "Amended."

Sec. 23. 18 V.S.A. § 5074 is amended to read:

§ 5074. PENALTY

A person who fails to comply with a provision of sections 5071-5073 of this title shall be ~~fin~~ed \$5.00 subject to the penalties prescribed in section 5011 of this title.

Sec. 24. 18 V.S.A. § 5075 is amended to read:

§ 5075. ISSUANCE OF ~~NEW OR CORRECTED~~ AMENDED OR DELAYED BIRTH CERTIFICATE BY PROBATE DIVISION OF THE SUPERIOR COURT APPLICATION

~~(a) After~~ Except as otherwise provided in subdivision 5073(a)(2) of this title, after six months from the date of birth, any alteration of the birth certificate of a person born in this state ~~may be amended only by the decree of the probate division of the superior court of the district in which such birth occurred~~ State shall be deemed an amendment. A petition for such amendment may be brought by the person, the person's Upon application by

the registrant, his or her parent or guardian, the hospital in which the birth occurred, or the certifying attendant, or custodian setting forth the reason for such petition and the correction or amendment desired and the reason for it, the State Registrar may amend the birth certificate if the application and relevant evidence, if any, show that the amendment is warranted.

(b) A person born in this state State for whom no certificate of birth was filed during the first year following birth, or his or her parent or guardian, may petition the probate division of the superior court of the district in which such person was born apply to the State Registrar to determine the facts with respect to this the birth and to order the issuance of issue a delayed certificate of birth.

(b) Birth certificates issued under this section for minor errors as defined in subsection 5073(a) of this title shall be corrected without payment of a fee.

(c) If the State Registrar denies an application under this section, the applicant may petition the Probate Division of the Superior Court, which shall review the application and relevant evidence de novo to determine if the amendment or issuance of a delayed certificate is warranted. The court shall transmit a decree ordering an amendment or issuance of a delayed certificate to the State Registrar, who shall amend or issue the certificate in accordance with the decree.

(d) The State Registrar shall make any amendment and register any delayed certificate in the Statewide Registration System. Any amended birth certificate issued from the System shall indicate the word "Amended" and the date of amendment, and any delayed certificate issued from the System shall indicate the word "Delayed" and the date of registration. The State Registrar shall record and maintain in the System the identity of the person requesting the amendment or delayed certificate, the nature and content of the change made in the System, the person who made the amendment or registered the delayed certificate in the System, and the date of the amendment or registration.

(e) If the State Registrar amends a certificate that was registered prior to July 1, 2018, he or she shall notify the town clerk or clerks with custody of the certificate, who shall replace and dispose of the unamended certificate and update indexes as directed by the State Registrar.

Sec. 25. 18 V.S.A. § 5076 is amended to read:

§ 5076. NOTICE; HEARING; DECREE; RECORD

(a) The probate division of the superior court shall set a time for hearing on a petition filed under section 5075 of this title, cause notice thereof, if it deems such necessary, by posting a notice in the probate office, and after hearing such proper and relevant evidence as may be presented shall make findings with

respect to the birth of such person as are supported by the evidence.

~~(b) The court shall thereupon issue a decree setting forth the facts as found and transmit a certified copy thereof to the supervisor of vital records registration.~~

~~(1) Where the certificate is to be amended, the supervisor of vital records registration shall transmit the decree to the town clerk where the birth occurred, with instructions to amend the original certificate. A correction shall be made by drawing a line through the matter to be corrected and writing in new matter as required to show the legal effects. The town clerk shall stamp, write or type the words "Court Amended" at the top of the amended certificate and all copies thereof and shall certify that the amendment was ordered by said court pursuant to this chapter with the date of decree. The town clerk shall send a certified copy of such completed or corrected birth record, showing new matter added, or changed matter lined out and the substituted matter as it appears thereon, to the commissioner and also to the clerk of any town to whom a copy of the original record was sent under the provisions of section 5009 of this title, and shall enclose with that copy, but not endorsed thereon, a notation identifying the original.~~

~~(2) Where a delayed certificate is to be issued, the supervisor of vital records registration shall prepare a delayed certificate of birth on forms prescribed by the department and transmit the same, with the decree, to the clerk of the town in which the birth occurred. This delayed certificate shall have the word "Delayed" printed at the top and shall certify that the certificate was ordered by a court pursuant to this chapter, with the date of the decree. The town clerk shall file this delayed certificate and shall follow the provisions of sections 5009 and 5010 of this title with respect to transmitting copies to the town of residence and to the department of health.~~

~~(3) Town clerks receiving new certificates in accordance with this section shall file and index them in the most recent book of births and also index them with births occurring at the same time. [Repealed.]~~

Sec. 26. 18 V.S.A. § 5077 is amended to read:

~~§ 5077. NEW BIRTH CERTIFICATE OF CHILD OF UNWED PARENTS WHO SUBSEQUENTLY MARRY~~

~~(a) A person whose previously unwed parents have intermarried subsequent to his or her birth and whose father has recognized such person as his child may establish his or her legitimacy under the provisions of 14 V.S.A. § 554 and the facts with respect to his or her birth and parentage, and procure the issuance and filing of a new birth certificate by petition to the probate division of the superior court of the district where the child was born.~~

~~(b) The probate division of the superior court, after hearing, shall issue a decree setting forth the facts as found and shall transmit a certified copy thereof to the supervisor of vital records registration, who shall prepare a new certificate and transmit it together with the decree and such information as is necessary to identify the original birth certificate, to the clerk of the town where the child was born.~~

~~(c) The clerk shall file and index the new certificate in the most recent book of births, shall also index them with births occurring at the same time and shall otherwise comply with the provisions of sections 5080 and 5081 of this title. The new certificate shall contain a notation that it was issued by authority of this chapter, and it shall not contain the word "Amended" or other special designation. [Repealed.]~~

Sec. 27. 18 V.S.A. § 5077a is amended to read:

§ 5077a. NEW BIRTH CERTIFICATE DUE TO PARENTAGE NOMENCLATURE ON FORMER REPORT OF BIRTH FORM

(a) If a parent of a person born in this State was unable to be listed as a parent on the person's birth certificate due to the lack of gender-neutral nomenclature on the former report of birth information form forms provided by the Department of Health, and the person or the person's parent may petition the Probate Division of the Superior Court of the district where the person was born in order to establish his or her parentage and be issued a new submits sufficient proof of parentage to the State Registrar, the State Registrar shall complete the birth certificate in the State Registration System. The State Registrar shall record in the System the identity of the person requesting the new certificate, the nature and content of the change, the person who made the change, and the date of the change. The State Registrar shall issue a new birth certificate from the System which shall not contain the word "Amended" or other special designation, and shall notify the town clerk or clerks with custody of the certificate, who shall replace the original with the new certificate and update indexes as directed by the State Registrar. The town clerk or clerks shall send the original to the State Registrar, who shall keep it confidential.

~~(b) The Probate Division of the Superior Court, after hearing, shall authorize the supervisor of vital records registration to issue a new birth certificate and transmit it, together with any information identifying the original birth certificate, to the clerk of the town where the person was born. [Repealed.]~~

~~(c) The clerk shall file and index the new certificate in the most recent book of births, shall also index them with births occurring at the same time, and shall otherwise comply with the provisions of sections 5080 and 5081 of~~

~~this title. The new certificate shall contain a notation that it was issued by authority of this chapter, and it shall not contain the word "Amended" or other special designation. [Repealed.]~~

Sec. 28. 15A V.S.A. § 3-801 is amended to read:

§ 3-801. REPORT OF ADOPTION TO STATE REGISTRAR OF VITAL RECORDS

(a) ~~Within 30 days after a decree of adoption becomes final, the clerk of the court shall prepare, send, and certify to the State Registrar of Vital Records a report of adoption on a form furnished prescribed by the supervisor of vital records and certify and send the report to the supervisor State Registrar. The report shall include:~~

(1) ~~information in the court's record of the proceeding for adoption which~~ that is necessary to locate and identify the adoptee's birth certificate or, in the case of an adoptee born outside the United States, evidence the court finds appropriate to consider as to the adoptee's date and place country, state, and municipality of birth, as may be available;

(2) ~~information necessary to issue a new birth certificate for the adoptee and a request that a new certificate be issued, unless the court, the adoptive parent, or an adoptee who has attained is 14 years of age or older requests that a new certificate not be issued; and~~

(3) ~~the file number of the decree of adoption and the date on which the decree became final.~~

(b) ~~Within 30 days after a decree of adoption is amended or set aside, the clerk of the court shall prepare and send to the State Registrar a report of that action on a form furnished prescribed by the supervisor of vital records and shall certify and send the report to the supervisor of vital records State Registrar. The report shall include information necessary to identify the original report of adoption, and shall also include information necessary to amend or withdraw any new birth certificate that was issued pursuant to the original report of adoption.~~

Sec. 29. 15A V.S.A. § 3-802 is amended to read:

§ 3-802. ISSUANCE OF NEW, AMENDED BIRTH CERTIFICATE

(a) ~~Except as otherwise provided in subsection (d) of this section, upon receipt of a report of adoption prepared pursuant to section 3-801 subsection 3-801(a) of this title, a report of adoption prepared in accordance with the law of another state or country, a certified copy of a decree of adoption together with information necessary to identify the adoptee's original birth certificate and to issue a new certificate, or a report of~~

an amended adoption prepared pursuant to subsection 3-801(b) of this title, the supervisor of vital records State Registrar shall either:

(1) ~~issue a new birth certificate~~ for an adoptee born in this state State, update the Statewide Registration System in accordance with the decree and furnish a certified copy of the a new birth certificate to the adoptive parent and to an adoptee who ~~has attained~~ is 14 years of age or older;

(2) ~~forward a certified copy of a report of adoption~~ for an adoptee born in another state, forward a certified copy of the report of adoption to the ~~supervisor of vital records~~ appropriate office of the state of birth;

(3) ~~issue a certificate of foreign birth~~ for an adoptee adopted in this state ~~and State~~ who was born outside the United States and was not a citizen of the United States at the time of birth, create and register in the Statewide Registration System a "certificate of live birth for a foreign born child" upon request and in the form specified in 18 V.S.A. § 5078a, and furnish a certified copy of the certificate to the adoptive parent and to an adoptee who ~~has attained~~ is 14 years of age or older;

(4) ~~notify an adoptive parent of the procedure for obtaining a revised birth certificate through the United States Department of State~~ for an adoptee born outside the United States who was a citizen of the United States at the time of birth, notify the adoptive parent of the procedure for obtaining a revised birth certificate through the U.S. Department of State; or

(5) in the case of an amended decree of adoption, ~~issue an amended birth certificate according to~~ either update the Statewide Registration System in accordance with the decree and follow the procedure in subdivision (a)(1) or (3) of this section, or follow the procedure in subdivision (2) or (4) of this section.

(b) Unless otherwise specified by the court, a new birth certificate or certificate of live birth for a foreign born child issued pursuant to subdivision (a)(1) or (3) or an amended certificate issued pursuant to subdivision (a)(5) of this section shall:

(1) be signed by the ~~supervisor of vital records~~ State Registrar;

(2) include the date, time, and place of birth of the adoptee;

(3) substitute the name of the adoptive parent for the name of the person listed as the adoptee's parent on the original birth certificate;

(4) ~~include the filing date of the original birth certificate and the filing date of the new birth certificate;~~ [Repealed.]

(5) contain any other information prescribed by the ~~supervisor of vital records~~ State Registrar.

~~(c) The supervisor of vital records, and any other custodian of such records, In the case of birth certificates registered prior to July 1, 2018 that are to be replaced or amended pursuant to subdivision (a)(1) or (5) of this section, the State Registrar shall notify the town clerk or clerks with custody of the certificate, who shall substitute the new or amended birth certificate for the original birth certificate. The original certificate and all copies of the certificate in the files shall be sealed and shall not be subject to inspection or copying until 99 years after the adoptee's date of birth, except as provided by this title.~~

(d) If the court, the adoptive parent, or an adoptee who ~~has attained~~ is 14 years of age or older requests that a new or amended birth certificate not be issued, ~~the supervisor of vital records may~~ State Registrar shall not issue a new or amended certificate for an adoptee pursuant to subsection (a) of this section; ~~but~~. Nonetheless, for an adoptee born in another state, the State Registrar shall forward a certified copy of the report of adoption or of an amended decree of adoption for an adoptee who was born in another state to the appropriate office in the adoptee's state of birth.

(e) Upon receipt of a report that an adoption has been ~~vacated~~ set aside, the ~~supervisor of vital records~~ State Registrar shall:

(1) ~~restore the original birth certificate for a person born in this state to its place in the files, State for whom a new birth certificate was issued, update the Statewide Registration System to reflect the original birth certificate data and, in the case of an original birth certificate registered prior to July 1, 2018, notify the town clerk or clerks with custody of the certificate, who shall seal any new or amended birth certificate issued pursuant to subsection (a) of this section, restore the original, update indexes as directed by the State Registrar, and not allow inspection or copying of a the sealed certificate except upon court order or as otherwise provided in this title;~~

(2) ~~forward the report with respect to~~ for a person born in another state, ~~forward the report~~ to the appropriate office in the state of birth; ~~or~~

(3) ~~for an adoptee born outside the United States who was not a citizen of the United States at the time of birth for whom a certificate of live birth for a foreign born child was issued, update the Statewide Registration System to reflect that the adoption was set aside; or~~

(4) ~~notify the person who is granted legal custody of a former adoptee after an adoption is vacated of the procedure for obtaining an original birth certificate through the United States Department of State for a former adoptee born outside the United States who was a citizen of the United States at the time of birth, notify the person who is granted legal custody of a former adoptee after an adoption is set aside of the procedure for obtaining an original~~

birth certificate through the U. S. Department of State.

(f) Upon request by a person who was listed as a parent on an adoptee's original birth certificate and who furnishes appropriate proof of the person's identity, the ~~supervisor of vital records~~ State Registrar shall give the person a noncertified copy of the original birth certificate.

Sec. 30. 18 V.S.A. § 5078 is amended to read:

§ 5078. ADOPTION; NEW AND AMENDED BIRTH CERTIFICATE

~~(a) The supervisor of vital records registration shall establish a new birth certificate for a person born in the state when the supervisor~~ When the State Registrar receives a record report of adoption, a report of an amended adoption, or a report that an adoption has been set aside as provided in 15 V.S.A. § 449 15A V.S.A. § 3-801, or a record of adoption prepared and filed in accordance with the laws of another state or foreign country, he or she shall proceed as prescribed in 15A V.S.A. § 3-802.

~~(b) The new birth certificate shall be on a form prescribed by the commissioner of health. The new birth certificate shall include:~~

~~(1) the actual place and date of birth;~~

~~(2) the adoptive parents as though they were natural parents;~~

~~(3) If prior to July 1, 2018 a new birth certificate was issued following an adoption which contains a notation that it was issued by authority of this chapter, contains the filing dates of the original and the new birth certificate, or otherwise contains information that facially distinguishes it from an original, the adoptive parent or the adoptee if 14 years of age or older may apply to the State Registrar to issue a replacement birth certificate that does not contain distinguishing information. The State Registrar shall issue the replacement and notify any town clerk with custody of the version that contains distinguishing information, who shall substitute the latter with the replacement birth certificate. The town clerk shall send the version that contains distinguishing information to the State Registrar, who shall keep it confidential.~~

~~(c) The new birth certificate shall not contain a statement whether the adopted person was illegitimate. [Repealed.]~~

~~(d) The new certificate, and sufficient information to identify the original certificate, shall be transmitted to the clerk of the town of birth to be filed according to the procedures in 15 V.S.A. § 451. [Repealed.]~~

~~(e) The supervisor of vital records registration shall not establish a new birth certificate if the supervisor receives, accompanying the record of adoption, a written request that a new certificate not be established:~~

- ~~(1) from the adopted person if 18 years or older; or~~
- ~~(2) from the adoptive parent or parents if the adopted person is under 18 years of age. [Repealed.]~~

~~(f) When the supervisor of vital records registration receives a record of adoption for a person born in another state, the supervisor shall forward a certified copy of the record of adoption to the state registrar in the state of birth, with a request that a new birth certificate be established under the laws of that state. [Repealed.]~~

Sec. 31. 18 V.S.A. § 5078a is amended to read:

§ 5078a. BIRTH CERTIFICATE FOR FOREIGN-BORN OF LIVE BIRTH FOR A FOREIGN BORN CHILD ADOPTED IN VERMONT

(a) ~~The supervisor of vital records registration~~ State Registrar shall establish a ~~Vermont birth certificate for a person born in a foreign country in the Statewide Registration System a “certificate of live birth for a foreign born child”~~ when the supervisor he or she receives:

- (1) a written request that a new the certificate be established:
 - (A) from the adopted person if ~~18~~ 14 years of age or older; or
 - (B) from the adoptive parent or parents if the adopted person is under ~~18~~ 14 years of age; and
- (2) a record of adoption issued under ~~the provisions of 15 V.S.A. § 449~~ 15A V.S.A. § 3-801(a).

(b) ~~The new Vermont birth certificate shall be on a form prescribed by the commissioner of health. The new birth certificate shall include:~~

- (1) the true or probable foreign country of birth and true or probable date of birth;
- (2) the adoptive parents as though they were natural parents;
- (3) a notation that it was issued by authority of this chapter;
- (4) a statement that the certificate is not evidence of ~~United States~~ U.S. citizenship; and
- (5) any other information the State Registrar may prescribe.

(c) ~~The new birth certificate shall not contain a statement whether the adopted person was illegitimate.~~

(d) ~~Birth certificates established under this section shall remain on file only at the department of health. [Repealed.]~~

(e) ~~Papers relating to the adoption shall be filed in accordance with the provisions of 15 V.S.A. § 451. [Repealed.]~~

Sec. 32. 18 V.S.A. § 5080 is amended to read:

§ 5080. ~~FORM AND EFFECT OF NEW CERTIFICATE~~

~~All the provisions of sections 5006-5014 of this title shall be applicable with respect to a new birth certificate issued under the provisions of sections 5077 and 5078 of this title. Such A new birth certificate issued under 15A V.S.A. § 3-802 and sections 5077a and 5112 of this title shall have the same force and effect as though filed registered in accordance with the provisions of section 5071 of this title. Each certified copy of such certificate and each return based thereon transmitted in accordance with the provisions of sections 5009 and 5010 of this title, shall have enclosed therewith but not endorsed thereon or attached thereto a notation identifying the copy or return, if any, to be replaced by such new copy or return.~~

Sec. 33. 18 V.S.A. § 5081 is amended to read:

§ 5081. ~~FILING OF NEW CERTIFICATE~~

~~The town clerk filing a new birth certificate issued in accordance with the provisions of sections 5077 and 5078 of this title, and each town clerk or other officer to whom is transmitted a certified copy of the new certificate or a return based thereon, shall comply with 15 V.S.A. § 451. All known and available packets containing adoption orders and superseded birth certificates prepared in accordance with 15 V.S.A. §§ 449-451 and sections 5078-5081 of this title, before the effective date of this act shall be forwarded to the commissioner of health. These packets shall be filed as specified in 15 V.S.A. § 451. [Repealed.]~~

Sec. 34. 18 V.S.A. § 5082 is amended to read:

§ 5082. ~~CONSTRUCTION~~

~~The provisions of sections 5077-5081 of this title shall be applicable with respect to both past and future orders, judgments, decrees, and instruments relating to marriages and births. [Repealed.]~~

Sec. 35. 18 V.S.A. § 5083 is amended to read:

§ 5083. ~~PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM~~

(a) If a participant in the program described in 15 V.S.A. chapter 21, subchapter 3 who is the parent of a child born during the period of program participation notifies the physician or midwife who delivers the child, or the hospital at which the child is delivered, not later than ~~24 hours~~ 10 days after the birth of the child, that the participant's confidential address should not

~~appear on the child's birth certificate, then the Department shall not disclose such confidential address or the participant's town of residence on any public records address shall not be maintained in the Statewide Registration System and the State Registrar, town clerks, and any other issuing agent shall ensure the confidentiality of the address during the period of program participation in accordance with measures prescribed by the State Registrar. A participant who fails to provide such notice shall be deemed to have waived the provisions of this section. If such notice is received, then notwithstanding section 5071 of this title, the attendant physician or midwife shall file the certificate with the Supervisor of Vital Records within ten days of the birth, without the confidential address or town of residence, and shall not file the certificate with the town clerk.~~

~~(b) The Supervisor of Vital Records shall receive and file for record all certificates filed in accordance with this section, and shall ensure that a parent's confidential address and town of residence do not appear on the birth certificate during the period that the parent is a program participant. A certificate filed in accordance with this section shall be a public document. The Supervisor of Vital Records State Registrar shall notify the Secretary of State of the receipt of a birth certificate on behalf of that a program participant has given notice under this section.~~

~~(c) The Department State Registrar shall maintain a confidential record of the parent's actual mailing address and town of residence. Such record, which shall be exempt from public inspection and copying under the Public Records Act.~~

~~(d) Upon the renewal, expiration, withdrawal, invalidation, or cancellation of program participation of any parent of whom the Secretary of State received notice from the Supervisor of Vital Records State Registrar, the Secretary of State shall notify the Supervisor of Vital Records State Registrar.~~

~~(e) Notwithstanding section 5075 of this title, upon Upon notice of the expiration, withdrawal, invalidation, or cancellation of program participation, the supervisor of vital records registration State Registrar shall enter the update the Statewide Registration System and take such other steps as may be necessary to ensure that the actual mailing address and town of residence on the original birth certificate and shall transmit the completed original birth certificate to the town clerk where the birth occurred are available for public inspection and copying in accordance with section 5016 of this title.~~

~~(f) The town clerk shall process certificates received in this manner in accordance with the provisions of this chapter. [Repealed.]~~

Sec. 36. 18 V.S.A. chapter 20 is added to read:

CHAPTER 20. BIRTH INFORMATION NETWORK

Sec. 37. REDESIGNATION

18 V.S.A. §§ 5087–5089 (related to the Birth Information Network) are redesignated within 18 V.S.A. chapter 20 to be 18 V.S.A. §§ 991–993.

Sec. 38. 18 V.S.A. § 5112 is amended to read:

§ 5112. ISSUANCE OF NEW BIRTH CERTIFICATE; CHANGE OF SEX

(a) ~~Upon receiving from the Probate Division of the Superior Court a court order that~~ receipt of an application for a new birth certificate and after receiving sufficient evidence to determine that an individual's sexual reassignment has been completed, the State Registrar shall issue a new birth certificate to:

(1) show that the sex of the individual born in this State has been changed; and

(2) if the application is accompanied by a decree of the Probate Division authorizing a change of name associated with the change of sex, to reflect the change of name.

(b) An affidavit by a licensed physician who has treated or evaluated the individual stating that the individual has undergone surgical, hormonal, or other treatment appropriate for that individual for the purpose of gender transition shall constitute sufficient evidence for the ~~Court~~ State Registrar to ~~issue an order~~ determine that sexual reassignment has been completed. The affidavit shall include the medical license number and signature of the physician.

(c) A new certificate issued pursuant to subsection (a) of this section shall be substituted for the original birth certificate in official records. The new certificate shall not show that a change in name or sex, or both, has been made. The original birth certificate, the Probate Division ~~order~~ change of name decree, if any, and any other records relating to the issuance of the new birth certificate shall be confidential and shall be exempt from public inspection and copying under the Public Records Act; however an individual may have access to his or her own records and may authorize the State Registrar to confirm that, ~~pursuant to court order,~~ it has he or she issued a new birth certificate to the individual that reflects a change in name or sex, or both.

(d) If an individual born in this State has an amended birth certificate showing that the sex of the individual has been changed, and the birth certificate is marked "Court Amended" or otherwise clearly shows that it has been amended, the individual may receive a new birth certificate from the State Registrar upon application.

* * * Marriage Records * * *

Sec. 39. 18 V.S.A. § 5131 is amended to read:

§ 5131. ISSUANCE OF CIVIL MARRIAGE LICENSE; SOLEMNIZATION;
RETURN OF CIVIL MARRIAGE CERTIFICATE;
REGISTRATION

(a)(1) Upon receipt of a completed application in a form prescribed by the department State Registrar, which shall require both parties to sign the application certifying to the accuracy of the facts contained therein, a town clerk shall issue to a person a civil marriage license in the form prescribed by the ~~department State Registrar~~ only if at least one party has signed the license in the presence of the clerk and shall enter thereon the names of the parties to the proposed marriage, and fill out the form as far as practicable and. The town clerk shall retain in the clerk's office a copy thereof of the license until the marriage certificate is returned by the solemnizer.

(2) ~~The department shall prescribe application forms that shall allow each party to a marriage to be designated "bride," "groom," or "spouse," as he or she chooses, and the application shall be in substantially the following form:~~

VERMONT DEPARTMENT OF HEALTH

APPLICATION FOR VERMONT LICENSE OF CIVIL MARRIAGE

~~FEE FOR CIVIL MARRIAGE LICENSE: \$45.00, FEE FOR
CERTIFIED COPY \$10.00~~

~~BRIDE/GROOM/SPOUSE (circle one)~~

~~NAME (First) (Middle) (Last)~~

~~SEX DATE OF BIRTH AGE~~

~~(e.g., July 1, 2009)~~

~~BIRTHPLACE EDUCATION (Circle No.
Yrs.~~

~~Completed)~~

~~GRADES GRADES~~

~~COLLEGE~~

~~1-8 9-12 (1-~~

~~5+)~~

~~RESIDENCE (No. and Street)~~

~~CITY OR TOWN~~

~~COUNTY~~

~~STATE~~

~~RACE—White, Black, Native American, Indian, Chinese, Japanese, Hawaiian, Filipino~~

~~(Specify)~~

~~FATHER'S NAME (First, Middle, Last)~~

~~FATHER'S BIRTHPLACE (State or Foreign Country)~~

~~MOTHER'S BIRTHPLACE (State or Foreign Country)~~

~~MOTHER'S MAIDEN NAME (First, Middle, Maiden Surname)~~

~~NO. OF THIS MARRIAGE~~

~~NO. OF IF PREVIOUSLY IN~~

~~MARRIAGE (1st, 2nd, etc.)~~

~~CIVIL UNIONS~~

~~OR CIVIL UNION, LAST RELATIONSHIP WAS~~

~~1. MARRIAGE 2. CIVIL~~

~~UNION~~

~~Date last marriage or civil union ended _____ Month _____ Year~~

~~LAST RELATIONSHIP ENDED BY:~~

~~1. DEATH 2. DISSOLUTION 3. ANNULMENT~~

~~4. PREVIOUS CIVIL UNION DID NOT END, MARRYING CIVIL UNION PARTNER~~

~~Does either party have a legal guardian _____ Yes _____ No~~

~~BRIDE/GROOM/SPOUSE (circle one)~~

~~NAME (First)~~

~~(Middle)~~

~~(Last)~~

~~SEX~~

~~DATE OF BIRTH~~

~~AGE~~

~~(e.g., July 1, 2009)~~

~~BIRTHPLACE Yrs.~~

~~EDUCATION (Circle No.~~

~~Completed)~~

~~GRADES GRADES~~

~~COLLEGE~~

~~1-8~~

~~9-12~~

~~(1-5+)~~

~~RESIDENCE (No. and Street)~~

~~CITY OR TOWN~~

~~COUNTY~~

~~STATE~~

RACE— White, Black, Native American, Indian, Chinese, Japanese, Hawaiian, Filipino

(Specify)

FATHER'S NAME (First, Middle, Last)

FATHER'S BIRTHPLACE (State or Foreign Country)

MOTHER'S BIRTHPLACE (State or Foreign Country)

MOTHER'S MAIDEN NAME (First, Middle, Maiden Surname)

NO. OF THIS MARRIAGE

NO. OF

IF PREVIOUSLY IN

MARRIAGE (1st, 2nd, etc.)

CIVIL UNIONS

OR CIVIL UNION, LAST RELATIONSHIP WAS

1. MARRIAGE 2. CIVIL

UNION

Date last marriage or civil union ended _____ Month _____ Year

LAST RELATIONSHIP ENDED BY:

1. DEATH 2. DISSOLUTION 3. ANNULMENT

4. PREVIOUS CIVIL UNION DID NOT END, MARRYING CIVIL UNION PARTNER

Does either party have a legal guardian _____ Yes _____ No

APPLICANTS

We hereby certify that the information provide is correct to the best of our knowledge and belief and that we are free to marry under the laws of Vermont.

SIGNATURE _____ SIGNATURE _____

Date _____ signed: _____ Date _____ signed: _____

Planned _____ marriage _____ date _____ Location _____ (City _____ or _____ town)

Officiant _____ Name _____ & _____ Address _____

Your _____ mailing _____ address _____ after wedding _____

Do you want a certified copy of your Marriage Certificate? (\$10.00)

_____Yes_____No

Date License issued _____ Clerk issuing License _____

This worksheet may be destroyed after the marriage is registered.

(3) ~~At least one party to the proposed marriage shall sign the certifying application to the accuracy of the facts so stated.~~ The license shall be issued by:

(A) the clerk of the incorporated town, city, or village where either party resides;

(B) the clerk of the county where an unorganized town or gore is situated, if both parties reside in an unorganized town or gore in that county, or if one party so resides and the other party resides in an unorganized town or gore in another county or outside the State; or;

(C) ~~if neither is a resident of the state,~~ by any town clerk in the state State if neither party is a resident of the State.

(4)(A) Parties to a civil union certified in Vermont may elect to dissolve their civil union upon marrying one another but are not required to do so to form a civil marriage. The ~~department~~ State Registrar shall clearly indicate this option on the civil marriage application form required by subdivision (2) of this subsection. If a couple elects this option, each party to the intended marriage shall sign a statement on the confidential portion of the civil marriage license and certificate form stating that he or she freely and voluntarily agrees to dissolve the civil union between the parties.

* * *

(b) A civil marriage license so issued shall be signed by both parties to the marriage and delivered by one of the parties to the proposed marriage, within 60 days from the date of issue, to a person authorized to solemnize marriages by section 5144 of this title. If the proposed marriage is not solemnized within 60 days from the date of issue, such license shall become void. After ~~such~~ the person has solemnized the marriage, he or she shall fill out that part of the form on the license provided for his or her use, sign it, and certify to the ~~same~~ occurrence and date of the marriage. Thereafter the document shall be known as a civil marriage certificate.

* * *

Sec. 40. 18 V.S.A. § 5139 is amended to read:

§ 5139. CLERK'S DUTIES; PENALTY

(a) A Except under the circumstances described in subsection (b) of this section, a town clerk who knowingly issues a civil marriage license upon application of a person residing in another town in the state, or a county clerk who knowingly issues a civil marriage license upon application of a person other than as provided in section 5005 of this title other than as described in subdivision 5131(a)(3) of this title, or a clerk who issues such a license without first requiring the applicant to fill out, sign, and make oath to the declaration contained therein as provided in section 5131 of this title, shall be fined not more than \$50.00 nor less than \$20.00 subject to the penalties prescribed in section 5011 of this title.

(b) A town clerk may issue a civil marriage license to parties other than as described in subdivision 5131(a)(3) of this title when the office of the town clerk with authority to issue the license is not open during standard business hours and the parties have a compelling, immediate need to be married, as determined by the town clerk issuing the civil marriage license. A compelling, immediate need would arise when irreparable harm would occur if the marriage were delayed.

Sec. 41. 18 V.S.A. § 5140 is amended to read:

§ 5140. PENALTY FOR MISREPRESENTATION

A person making application who applies to a clerk for a license to marry who and knowingly makes a material misrepresentation in filling the forms contained in the declaration of intention the application shall be deemed guilty of perjury and punished accordingly subject to the penalties prescribed in section 5011 of this title.

Sec. 42. 18 V.S.A. § 5141 is amended to read:

§ 5141. PROOF CONFIRMATION OF LEGAL QUALIFICATIONS OF PARTIES; PENALTY

(a) Before At a minimum, before issuing a civil marriage license to an applicant, the town clerk shall satisfy himself by requiring affidavits or other proof that neither party to the intended marriage is review the license application to confirm that:

(1) the information submitted therein does not facially indicate that the parties are prohibited from marrying by the laws of this state State; and

(2) the parties have certified to the veracity of the information in the application.

(b) A clerk who fails to comply with the provisions of this section or who issues a civil marriage license with knowledge that the parties, or either of them, are prohibited from marrying or otherwise have failed to comply with

the requirements of the laws of this state State, or a person who having authority and having such knowledge solemnizes such a marriage, shall be ~~fined not more than \$100.00~~ subject to the penalties prescribed in section 5011 of this title.

~~(c) The affidavits herein referred to shall be in a form prescribed by the board and shall be attached to and filed with the civil marriage certificate in the office of the clerk of the town wherein the license was issued. [Repealed.]~~

Sec. 43. 18 V.S.A. § 5142 is amended to read:

§ 5142. ~~RESTRICTIONS AS TO PERSONS WHO ARE MINORS OR INCOMPETENT NOT AUTHORIZED TO MARRY~~

~~A Clerk~~ The following persons are not authorized to marry, and a town clerk shall not knowingly issue a civil marriage license, when either party to the intended marriage is:

(1) ~~either party is~~ a person who has not attained majority ~~without, unless the consent town clerk has received in writing the consent of one of the parents of the minor, if there is one a parent competent to act, or of the guardian of such the 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 not is~~ mentally capable incapable of entering into marriage as defined in 15 V.S.A. § 514;

(4) ~~nor to a person~~ either of the parties is under guardianship, without the written consent of ~~such the party's guardian;~~

(5) [Repealed.]

(6) the parties are prohibited from marrying under 15 V.S.A. § 1a on account of consanguinity or affinity;

(7) either of the parties has a wife or husband living, as prohibited under 13 V.S.A. § 206 (bigamy).

Sec. 44. 18 V.S.A. § 5143 is amended to read:

§ 5143. PENALTIES

~~A clerk who knowingly violates a provision of section 5142 of this title shall be fined not more than \$20.00. A person who aids in procuring such a civil marriage license by falsely pretending to be the parent or guardian having authority to give consent to the marriage of such minors a minor shall be fined not more than \$500.00 subject to the penalties prescribed in section 5011 of this title.~~

Sec. 45. 18 V.S.A. § 5146 is amended to read:

§ 5146. PENALTY FOR SOLEMNIZATION WITHOUT LICENSE OR FAILURE TO RETURN

~~A person~~ An individual who solemnizes a marriage, without first obtaining of the parties the license as required by law section 5145 of this title, or who fails to properly fill out the form thereon provided for his or her use and return the license and certificate of civil marriage to the town clerk's office from which it was issued within 10 days from the date of the marriage, shall be fin~~ed not less than \$10.00~~ subject to the penalties prescribed in section 5011 of this title.

Sec. 46. 18 V.S.A. § 5147 is amended to read:

§ 5147. SOLEMNIZATION BY UNAUTHORIZED PERSON; PENALTY; VALIDITY OF MARRIAGE

(a) ~~A person~~ An individual who, knowing that he or she is not authorized so to do, undertakes to join others in marriage, shall be ~~imprisoned not more than six months or fined not more than \$300.00 nor less than \$100.00, or both~~ subject to the penalties prescribed in section 5011 of this title.

(b) ~~A marriage solemnized before a person professing to be a justice or a minister of the gospel by an individual who was not authorized to do so under this chapter shall not be void nor the validity thereof affected for want of jurisdiction or authority in such supposed justice or minister or invalid, providing provided that the marriage is in other respects lawful and is consummated with a belief on the part of the persons either party so married, or either of them, that they the couple were lawfully joined in marriage.~~

* * * Reports of Death, Death Certificates * * *

Sec. 47. 18 V.S.A. § 5202 is amended to read:

§ 5202. REPORT OF DEATH; DEATH CERTIFICATE; DUTIES OF PHYSICIAN AND AUTHORIZED LICENSED HEALTH CARE PROFESSIONAL

(a)(1) ~~The~~ Within 24 hours after a death, the licensed health care professional who ~~is last in attendance upon last attended~~ a deceased person shall ~~immediately fill out a certificate of death on a form prescribed by the commissioner~~ submit the medical portion of a report of death in a manner prescribed by the State Registrar. ~~For the purposes of this section, a licensed health care professional means a physician, a physician assistant, or an advance practice registered nurse.~~ If the licensed health care professional who attended the death is unable to state the cause of death, he or she shall immediately notify the ~~physician~~ licensed health care professional, if any, who

was in charge of the patient's care ~~to fill out the certificate, and he or she shall fulfill this requirement.~~

(2) ~~If the physician~~ neither health care professional is unable able to state the cause of death, the provisions of section 5205 of this title apply.

(3) ~~The licensed health care professional may, with the consent of the funeral director,~~ delegate to the funeral director or the person in charge of the body, with that individual's consent, the responsibility of gathering data for and filling out all items except the medical certification of cause of death completing the nonmedical portion of the report of death.

(4) ~~All entries, except signatures, on the certificate shall be typed or printed and shall contain answers to the following questions:~~

(1) ~~Was the deceased~~ The State Registrar shall furnish the agency responsible for veterans' affairs information as to the deceased's status as a veteran of any war?

(2) ~~If so, of what war?.~~

(5) The State Registrar shall register the report of death in the Statewide Registration System upon receipt of the required information. The portion of the report of death that is not confidential under section 5014 of this title is the death certificate.

(b) ~~When death occurs in a hospital and it is impossible to obtain a death certificate from an attending licensed health care professional before is not available prior to burial or transportation of a body,~~ any licensed health care professional who has access to the facts and can certify that the death is not subject to the provisions of section 5205 of this title may complete and sign a preliminary report of death on a form supplied by the commissioner prescribed by the State Registrar. The municipal or county clerk or a deputy shall The health care professional may delegate completion of the nonmedical facts to any funeral director or person in charge of the body with access to the nonmedical facts, with that individual's consent. A person authorized to issue a burial-transit permit shall accept this report and a properly completed preliminary report and issue a burial-transit permit. This The preliminary report of death may be destroyed six months after a the death certificate has been filed registered. This does not subsection does not relieve the attending a licensed health care professional from the responsibility of completing a death certificate and delivering it to the funeral director within 24 hours after death his or her responsibilities under subsection (a) of this section.

Sec. 48. 18 V.S.A. § 5203 is amended to read:

§ 5203. ~~DEATH CERTIFICATE; MEMBER OF ARMED FORCES~~

~~Upon official notification of a death of a member of the armed forces of the United States while serving as such beyond the United States, not including the territories thereof, and provided the remains of the member are not returned to this country, the next of kin thereof or interested person may file with the clerk of the town of the residence of such member a certificate of death. Such certificate shall set forth the name, date of birth, and date of death, if the same can be determined, the names of the parents of the deceased and such other information as may be deemed pertinent by the office of the adjutant general. [Repealed.]~~

Sec. 49. 18 V.S.A. § 5204 is amended to read:

§ 5204. ~~FORMS; CERTIFICATION~~

~~The certificate shall be made on forms furnished by the commissioner and shall be recorded by the town clerk in accordance with the provisions of this chapter. The town clerk shall forthwith, upon making such record, forward a certified copy thereof to the office of the adjutant general. [Repealed.]~~

Sec. 50. 18 V.S.A. § 5205 is amended to read:

§ 5205. DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN AND IN OTHER CIRCUMSTANCES; AUTOPSY

* * *

(f) The State's Attorney or Chief Medical Examiner, if either deem it necessary and in the interest of public health, welfare, and safety, or in furtherance of the administration of the law, may order an autopsy to be performed by the Chief Medical Examiner or under his or her direction. Upon completion of the autopsy, the Chief Medical Examiner shall submit a report to such State's Attorney and the Attorney General and shall ~~complete and sign a certificate~~ submit a report of death to the State Registrar.

* * *

Sec. 51. 18 V.S.A. § 5206 is amended to read:

§ 5206. PENALTY FOR FAILURE TO FURNISH DEATH CERTIFICATE SUBMIT REPORT OF DEATH

~~A physician who fails to furnish a certificate of death~~ licensed health care professional who fails to cause the medical portion of a report of death to be submitted within 24 hours after the death of a person containing a true statement of the cause of such death, ~~and all the other facts provided for in the form of death certificates,~~ so far as these facts are obtainable, ~~shall be fined not more than \$100.00~~ shall be subject to the penalties prescribed in section 5011 of this title.

Sec. 52. 18 V.S.A. § 5202a is amended to read:

§ 5202a. CORRECTION, COMPLETION, OR AMENDMENT OF DEATH CERTIFICATE

(a) Corrections, completions. Within six months after the date of death, the ~~town clerk~~ State Registrar may correct or complete a death certificate upon application by the certifying ~~physician~~ licensed health care professional, medical examiner, hospital, nursing home, or funeral director, if the application and relevant evidence, if any, show that the correction or completion is warranted. ~~The town clerk may correct or complete the certificate accordingly and shall certify thereon that such correction or completion was made pursuant to this section, with the date thereof. In his or her discretion, the town clerk may refuse an application for correction or completion, in which case, the applicant may petition the probate division of the superior court for such correction or completion.~~

(b)(1) Amendments. After six months from the date of death, any alteration of a death certificate may only be corrected or amended pursuant to decree of the probate division of the superior court in which district the original certificate is filed shall be deemed an amendment. Upon application by a person specified in subsection (a) of this section, the State Registrar may amend the death certificate if the application and relevant evidence, if any, show that the amendment is warranted.

(2) ~~The probate division of the superior court to which such application is made shall set a time for hearing thereon and, if such court deems necessary, cause notice of the time and place thereof to be given by posting the same in the probate division of the superior court office and, after hearing, shall make such findings, with respect to the correction of such death certificate as are supported by the evidence. The court shall thereupon issue a decree setting forth the facts as found, and transmit a certified copy of such decree to the supervisor of vital records registration. The supervisor of vital records registration~~

(c) Appeal. If the State Registrar denies an application for a correction, completion, or amendment under this section, the applicant may petition the Probate Division of the Superior Court, which shall review the application and relevant evidence de novo to determine if the requested action is warranted. The court shall transmit a decree ordering a correction, completion, or amendment to the State Registrar, who shall take action in accordance with the decree.

(d) Documentation of changes. The State Registrar shall make corrections, completions, and amendments in the Statewide Registration System. A corrected or completed certificate issued from the System shall be free of any

evidence of the alteration and shall not be marked "Amended." Any amended death certificate issued from the System shall indicate the word "Amended" and the date of amendment. The State Registrar shall enter into and maintain in the System the identity of the person requesting the correction, completion, or amendment, the nature and content of the change, the identity of the person making the change in the System, and the date the change was made.

(e) Original certificates. If the State Registrar corrects, completes, or amends a certificate that was registered prior to July 1, 2018, he or she shall transmit the same to the appropriate town clerk to amend notify the town clerk or clerks with custody of the original or issue a new certificate, who shall replace and dispose of the original, and update indexes, as directed by the State Registrar. The words "Court Amended" shall be typed, written, or stamped at the top of the new or amended certificates with the date of the decree and the name of the issuing court.

(e)(f) Provided, however, that only the medical examiner or the certifying physician may apply to Cause of death. The State Registrar shall only correct or complete the certificate as to, or amend the medical certification of the cause of death upon application by the medical examiner or certifying licensed health care professional.

Sec. 53. 18 V.S.A. § 5207 is amended to read:

§ 5207. CERTIFICATE FURNISHED FAMILY; ~~BURIAL~~ BURIAL-
TRANSIT PERMIT

The physician or person filling out the certificate of death, within 36 Within 24 hours after death, shall deliver the same the death certificate shall be made available upon request to the family of the deceased, if any, or the undertaker or person who has charge of the body. Such The certificate shall be filed with the person issuing the certificate of permission for burial, entombment, or removal burial-transit permit obtained by the person who has charge of the body before such dead body shall be buried, entombed, or removed from the town. When such the death certificate of death is so filed, such the officer or person shall immediately issue a certificate of permission for burial, entombment, or removal of the dead body burial-transit permit under legal restrictions and safeguards.

Sec. 54. 18 V.S.A. § 5211 is amended to read:

§ 5211. UNAUTHORIZED BURIAL OR REMOVAL; PENALTY

A person who buries, entombs, transports, or removes the dead body of a person without a burial-transit or removal permit so to do, or in any other manner or at any other time or place than as specified in such permit, shall be imprisoned not more than five years or fined not more

~~than \$1,000.00, or both~~ subject to the penalties prescribed in section 5011 of this title.

Sec. 55. 18 V.S.A. § 5216 is amended to read:

§ 5216. PENALTY

A sexton or other person having charge of a cemetery, tomb, or receiving vault who violates a provision of sections 5214 and 5215 of this title shall be ~~fin~~ not more than \$500.00 nor less than \$20.00 ~~subject to the penalties prescribed in section 5011 of this title.~~

* * * Conforming Changes * * *

Sec. 56. 4 V.S.A. § 311a is amended to read:

§ 311a. VENUE GENERALLY

For proceedings authorized to the 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:

* * *

(19) ~~Issuance of Appeal from a denial by the State Registrar of Vital Records of a request for a new or, corrected, amended, or delayed birth certificate:~~ in the district where the birth occurred or allegedly occurred.

(20) ~~Correction or amendment of a civil marriage or civil union certificate or issuance of delayed certificate:~~ in the district where the original certificate is filed marriage or civil union license was issued or allegedly issued.

(21) ~~Correction or amendment of a Appeal from a denial by the State Registrar of Vital Records of a request for a corrected or amended death certificate:~~ in the district where the original certificate is filed death occurred or, if the place of death is unknown, where the body was found.

* * *

(27) ~~Issuance of certificates of public good authorizing the civil marriage of persons under 16 years of age: in the district or unit where either applicant resides, if either is a resident of the State; otherwise in the district or unit in which the civil marriage is sought to be consummated. [Repealed.]~~

* * *

Sec. 57. 15 V.S.A. § 816 is amended to read:

§ 816. ~~CERTIFICATE OF CHANGE; CORRECTION~~ AMENDMENT OF BIRTH AND CIVIL MARRIAGE RECORDS CERTIFICATE

~~Whenever a person changes his or her name, as provided in this chapter, he or she, shall~~ A person, or the parent or guardian of a minor, may provide the probate division of the superior court State Registrar of Vital Records with a copy of his or her birth certificate and, if married, a copy of his or her civil marriage certificate, and a copy of the birth certificate of each minor child, if any. The register of probate with whom the change of name is filed and recorded shall transmit the certificate and a certified copy of such instrument of change of name to the supervisor of vital records registration. The supervisor of vital records registration or the birth certificate of the minor and a certified copy of a decree issued under this chapter authorizing a change of name, and request that the birth certificate be amended in accordance with the decree. The State Registrar of Vital Records shall forward such instrument of change of name to the town clerk in the town where the person was born within the state, or wherein the original certificate is filed, with instructions to amend the original certificate and all copies thereof update the Statewide Registration System and proceed in accordance with the provisions of chapter 101 of Title 18 V.S.A. § 5075. Such amended Notwithstanding 18 V.S.A. § 5075, certificates amended pursuant to this section shall have the words “Court Amended” stamped, written, or typed at the top and shall show that the change of name was made pursuant to this chapter.

Sec. 58. REPLACEMENTS

(a) In 15A V.S.A. §§ 3-705 and 5-108(c), the phrase “supervisor of vital records” is replaced with “State Registrar of Vital Records”, and in 15A V.S.A. § 5-108(c), the word “supervisor” is replaced with “State Registrar.”

(b) In 18 V.S.A. § 1103, the phrase “certificate of birth” is replaced with “report of birth.”

(c) In 18 V.S.A. § 5148, “commissioner of health” is replaced with “State Registrar.”

(d) In 18 V.S.A. §§ 5150(c) and 5168(c), the phrase “supervisor of vital records registration” is replaced by “State Registrar” wherever it appears.

(e) In 18 V.S.A. §§ 5151 and 5159, the phrase “supervisor of vital records registration” and the phrase “department of health” are replaced by “State Registrar” wherever they appear.

Sec. 59. 15A V.S.A. § 1-101 is amended to read:

§ 1-101. DEFINITIONS

As used in this title:

* * *

(22) “State Registrar” and “State Registrar of Vital Records” mean the

supervisor of the Office of Vital Records in the Department of Health.

(23) “Stepparent” means a person who is the spouse or surviving spouse of a parent of a child but who is not a parent of the child.

~~(23) “Supervisor of vital records” means the supervisor of vital records registration of the Department of Health.~~

Sec. 60. 24 V.S.A. § 1164 is amended to read:

§ 1164. CERTIFIED COPIES; FORM

(a) A town clerk shall furnish certified copies of any instrument on record in his or her office, or any instrument or paper filed in his or her office pursuant to law, on the tender of ~~his or her~~ fees therefor, and his or her attestation shall be a sufficient authentication of the copies, except that the town clerk shall ~~not copy~~ redact the word “illegitimate” from any copy of a birth certificate he or she furnishes.

~~(b) Copies of vital records for events occurring outside the State, filed with a town clerk pursuant to 18 V.S.A. § 5015, shall not be copied and certified. A town clerk shall furnish a certified copy of a vital event certificate only if authorized and as prescribed under 18 V.S.A. chapter 101.~~

Sec. 61. 32 V.S.A. § 1712 is amended to read:

§ 1712. TOWN CLERKS

Town clerks shall receive the following fees ~~in the matter of vital registration~~ for issuing marriage licenses and vital event certificates:

(1) For issuing and recording a civil marriage ~~or civil union~~ license, \$60.00 to be paid by the applicant, \$10.00 of which sum shall be retained by the town clerk as a fee, \$35.00 of which shall be deposited in the Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360, and \$15.00 of which sum shall be paid by the town clerk to the State Treasurer in a return filed quarterly upon forms furnished by the State Treasurer and specifying all fees received by him or her during the quarter. Such quarterly period shall be as of the first day of January, April, July, and October.

~~(2) \$1.00 for other copies made under the provisions of 18 V.S.A. § 5009 to be paid by the town. [Repealed.]~~

~~(3) \$2.00 for each birth certificate completed or corrected under the provisions of 15 V.S.A. §§ 449 and 816 and 18 V.S.A. §§ 5073, 5075-5078, for the correction of each civil marriage certificate under the provisions of 15 V.S.A. § 816, and 18 V.S.A. § 5150, for the correction or completion of each civil union certificate under the provisions of 18 V.S.A. § 5168, and for each death certificate corrected under the provisions of 18 V.S.A. § 5202a, to be paid by the town. [Repealed.]~~

(4) ~~\$1.00 for each certificate of facts relating to births, deaths, civil unions, and marriages, transmitted to the Commissioner of Health in accordance with the provisions of 18 V.S.A. § 5010. Such sum, together with the cost of binding the certificate shall be paid by the town. [Repealed.]~~

(5) ~~Fees for vital records event certificates shall be equivalent to those received by the Commissioner of Health or the Vermont State Archivist pursuant to subsection 1715(a) of this title charged and allocated as specified in 18 V.S.A. § 5017.~~

Sec. 62. 32 V.S.A. § 1715 is amended to read:

§ 1715. VITAL RECORDS EVENT CERTIFICATES; COPIES; SEARCH

(a) ~~Upon payment of a \$10.00 the fee established under 18 V.S.A. § 5017, the Commissioner of Health Office of Vital Records or the Vermont State Archives and Records Administration shall provide a certified copies copy of a vital records event certificate, or shall ascertain and certify what the vital records available to the Commissioner and the Vermont State Archivist show event certificate shows, except that the Commissioner and the Vermont State Archivist shall not copy the word “illegitimate” shall be redacted from any birth certificate furnished. The fee for the search of the vital records is \$3.00 which is credited toward the fee for the first certified copy based upon the search.~~

(b) Fees collected under this section shall be credited to special funds established and managed pursuant to chapter 7, subchapter 5 of chapter 7 of this title, and shall be available to the charging departments to offset the costs of providing those services.

* * * Effective Dates * * *

Sec. 63. EFFECTIVE DATES

(a) This section; in Sec. 3, 18 V.S.A. § 5000(e)(8) and (f) (rulemaking authority); and in Sec. 39, 18 V.S.A. § 5131(a)(2) (marriage license application form) shall take effect on passage.

(b) All other sections of this act shall take effect on July 1, 2018.

(Committee Vote: 10-0-1)

Rep. Condon of Colchester, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Government Operations.

(Committee Vote: 10-1-0)

Amendment to be offered by Rep. McCoy of Poultney to the recommendation of amendment of the Committee on Government Operations to H. 111

First: In Sec. 3, 18 V.S.A. § 5000, in subdivision (c)(1), by inserting the following sentence after the first sentence and before the present second sentence:

However, nothing in this part shall be construed to preclude town clerks or other issuing agents from printing from the System and maintaining for public inspection noncertified copies of birth and death certificates.

Second: In Sec. 3, 18 V.S.A. § 5000, in subsection (c), by inserting a new subdivision to be subdivision (2) to read:

(2) On and after July 1, 2018:

(A) upon registration of a birth or death in the Statewide Registration System, the System shall automatically notify the town clerk of the town of occurrence and the town clerk of residence of the registrant;

(B) upon the correction or amendment of a birth or death certificate registered in the System, or upon issuance of a new birth certificate to replace a birth certificate registered in the System, the System shall automatically notify the town clerk of the town of occurrence and the town clerk of residence of the registrant.

and by renumbering the remaining subdivisions in 18 V.S.A. § 5000(c) to be numerically correct.

Amendment to be offered by Reps. Devereux of Mount Holly and Gannon of Wilmington to the recommendation of amendment of the Committee on Government Operations to H. 111

First: In Sec. 3, 18 V.S.A. § 5000, in subdivision (c)(1), by inserting the following sentence after the first sentence and before the present second sentence:

However, nothing in this part shall be construed to preclude town clerks or other issuing agents from printing from the System and maintaining for public inspection noncertified copies of birth and death certificates.

Second: In Sec. 3, 18 V.S.A. § 5000, in subsection (c), by inserting a new subdivision to be subdivision (2) to read:

(2) On and after July 1, 2018:

(A) upon registration of a birth or death in the Statewide Registration System, the System shall automatically notify the town

clerk of the town of occurrence and the town clerk of residence of the registrant;

(B) upon the correction or amendment of a birth or death certificate registered in the System, or upon issuance of a new birth certificate to replace a birth certificate registered in the System, the System shall automatically notify the town clerk of the town of occurrence and the town clerk of residence of the registrant.

and by renumbering the remaining subdivisions in 18 V.S.A. § 5000(c) to be numerically correct.

Third: By striking out Sec. 13 in its entirety and inserting in lieu thereof the following:

Sec. 13. 18 V.S.A. § 5011 is amended to read:

§ 5011. PENALTY

(a) A town clerk who fails to transmit such copies of birth, marriage, civil union, and death certificates as provided in section 5010 of this title shall be fined not more than \$100.00.

(b) The Commissioner or a hearing officer designated by the Commissioner may, after notice and an opportunity for hearing, impose a civil administrative penalty of not more than \$250.00 against a person who fails to perform a duty imposed or violates a prohibition under this part. A hearing under this subsection shall be a contested case subject to the provisions of 3 V.S.A. chapter 25, and the provisions of 3 V.S.A. §§ 809(h), 809a, and 809b related to subpoenas shall extend to the Commissioner, a hearing officer appointed by the Commissioner, and licensed attorneys representing a party.

Fourth: By striking out Sec. 23 in its entirety and inserting in lieu thereof the following:

Sec. 23. [Deleted.]

Fifth: In Sec. 40, 18 V.S.A. § 5139, in subsec. (a), by striking out “~~fin~~ed not more than \$50.00 nor less than \$20.00 subject to the penalties prescribed in section 5011 of this title” and inserting in lieu thereof “fined not more than \$50.00 nor less than \$20.00”

Sixth: By striking out Sec. 41 in its entirety and inserting in lieu thereof the following:

Sec. 41. [Deleted.]

Seventh: In Sec. 42, 18 V.S.A. § 5141, in subsection (b), by striking out “~~fin~~ed not more than \$100.00 subject to the penalties prescribed in section 5011 of this title” and inserting in lieu thereof “fined not more than \$100.00”

Eighth: In Sec. 44, 18 V.S.A. § 5143, in the second sentence, by striking out “~~fin~~ed not more than \$500.00 subject to the penalties prescribed in section 5011 of this title” and inserting in lieu thereof “fined not more than \$500.00”

Ninth: By striking out Sec. 45 in its entirety and inserting in lieu thereof the following:

Sec. 45. [Deleted.]

Tenth: In Sec. 46, 18 V.S.A. § 5147, in subsection (a), by striking out “~~imprisoned not more than six months or fined not more than \$300.00 nor less than \$100.00, or both~~ subject to the penalties prescribed in section 5011 of this title” and inserting in lieu thereof “imprisoned not more than six months or fined not more than \$300.00 nor less than \$100.00, or both”

Eleventh: In Sec. 51, 18 V.S.A. § 5206, by striking out “~~shall be fined not more than \$100.00~~ shall be subject to the penalties prescribed in section 5011 of this title” and inserting in lieu thereof “shall be fined not more than \$100.00”

Twelfth: In Sec. 54, 18 V.S.A. § 5211, by striking out “~~imprisoned not more than five years or fined not more than \$1,000.00, or both~~ subject to the penalties prescribed in section 5011 of this title” and inserting in lieu thereof “imprisoned not more than five years or fined not more than \$1,000.00, or both”

Thirteenth: By striking out Sec. 55 in its entirety and inserting in lieu thereof the following:

Sec. 55. [Deleted.]

Fourteenth: In Sec. 18, 18 V.S.A. § 5017, in the section heading, by striking out “AND SEARCHES”

H. 216

An act relating to establishment of the Vermont Lifeline program

Rep. Yantachka of Charlotte, for the Committee on Energy and Technology, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 30 V.S.A. § 218(c) is amended to read:

(c)(1) The Public Service Board shall take any action, ~~including the setting of telephone rates, enabling~~ necessary to enable the State of Vermont and telecommunications companies offering service in Vermont to participate in the ~~Federal Communications Commission telephone~~ federal Lifeline program administered by the Federal Communications Commission (FCC) or its agent and also the Vermont Lifeline program described in subdivision (2) of this

~~subsection. The Board shall set one or more residential basic exchange Lifeline telephone service credits, for those persons eligible to participate in the Federal Communications Commission Lifeline program.~~

~~(2) A person shall be eligible for the Lifeline benefit who meets the Department for Children and Families means test of eligibility, which shall include all persons participating in public assistance programs administered by the Department. The Department for Children and Families shall verify this eligibility, in compliance with Federal Communications Commission requirements.~~

~~(A) The benefit under this subdivision shall be equal to the full subscriber line charge, plus an amount equal to the larger of:~~

~~(i) 50 percent of the monthly basic service charge, including 50 percent of all mileage charges and, if the Board determines after notice and opportunity for hearing that their inclusion will make Lifeline benefits more comparable in different areas, 50 percent of the usage cost arising from a fixed amount of monthly local usage; and~~

~~(ii) \$7.00 per month;~~

~~(B) provided that in no event shall the amount of the monthly credit exceed the monthly basic service charge, including any standard usage and mileage charges household that qualifies for participation in the federal Lifeline program under criteria established by the FCC or other federal law or regulation shall also be eligible to receive a Vermont Lifeline benefit for wireline voice telephone service. The Vermont Lifeline benefit established under this subdivision shall be set at an amount not to exceed the benefit provided to a household as of October 31, 2017, or \$4.25, whichever is greater, and shall be applied as a supplement to any wireline voice benefit received through participation in the federal Lifeline program. However, in no event shall the aggregate amount of benefits received through the federal and State programs described in this subdivision exceed a household's monthly basic service charge for wireline services, including any standard usage and mileage charges.~~

~~(3) A person shall also be eligible for the Lifeline benefit who submits to the Commissioner for Children and Families an application containing any information and disclosure of information authorization necessary to process the Lifeline credit. Such application shall be filed with the Commissioner on or before June 15 of each year and shall be signed by the applicant under the pains and penalties of perjury. A person shall be eligible who is 65 years of age or older whose modified adjusted gross income as defined in 32 V.S.A. § 6061(5) for the preceding taxable year was less than 175 percent of the official poverty line established by the federal Department of Health and Human~~

~~Services for a family of two published as of October 1 of the preceding taxable year. A person shall be eligible whose modified adjusted gross income as defined in 32 V.S.A. § 6061(5) for the preceding taxable year was less than 150 percent of the official poverty line established by the federal Department of Health and Human Services for a family of two published as of October 1 of the preceding taxable year. In the case of sickness, absence, disability, excusable neglect, or when, in the judgment of the Secretary of Human Services good cause exists, the Secretary may extend the deadline for filing claims under this section. The provisions of 32 V.S.A. § 5901 shall apply to such application. The Secretary of Human Services shall perform income verification. Upon enrollment in the program, and for each period of renewal, such participant shall receive the credit for 12 ensuing months.~~

~~(A) The benefit under this subdivision shall be equal to the full subscriber line charge, plus an amount equal to the larger of:~~

~~(i) 50 percent of the monthly basic service charge, including 50 percent of all mileage charges and, if the Board determines after notice and opportunity for hearing that their inclusion will make Lifeline benefits more comparable in different areas, 50 percent of the usage cost arising from a fixed amount of monthly local usage; and~~

~~(ii) \$7.00 per month.~~

~~(B) The amount of the monthly credit pursuant to subdivision (A) of this subdivision (3) shall not exceed the monthly basic service charge, including any standard usage and mileage charges company designated as an eligible telecommunications carrier by the Board pursuant to 47 U.S.C. § 214(e) shall verify an applicant's eligibility for receipt of federal or State Lifeline benefits as required by federal law or regulation or as directed by the Vermont Agency of Human Services, as applicable. The Agency shall provide the FCC or its agent with categorical eligibility data regarding an applicant's status in qualifying programs administered by the Agency.~~

~~(4) Notwithstanding any provisions of this subsection to the contrary, a subscriber who is enrolled in the Lifeline program and has obtained a final relief from abuse order in accordance with the provisions of 15 V.S.A. chapter 21 or 33 V.S.A. chapter 69 shall qualify for a Lifeline benefit credit for the amount of the incremental charges imposed by the local telecommunications company for treating the number of the subscriber as nonpublished and any charges required to change from a published to a nonpublished number. Such subscribers shall be deemed to have good cause by the Secretary of Human Services for the purpose of extending the application deadline in subdivision (3) of this subsection. For purposes of As used in this section, "nonpublished" means that the customer's telephone number is not listed in any published~~

directories, is not listed on directory assistance records of the company, and is not made available on request by a member of the general public, notwithstanding any claim of emergency a requesting party may present. The Department for Children and Families shall develop an application form and certification process for obtaining this Lifeline benefit credit. ~~Upon enrollment in the program, such participant shall receive the Lifeline benefit credit until the end of the calendar year. Renewals shall be for a period of one year.~~

Sec. 2. LIFELINE ELIGIBILITY AND PARTICIPATION;REPORT

On or before January 1, 2019 and annually thereafter for the next three years, the Commissioner for Children and Families, in consultation with the Commissioner of Public Service, shall file a report with the General Assembly describing the eligibility and participation rates in Vermont with respect to both the federal and State Lifeline programs.

Sec. 3. EFFECTIVE DATE

This act shall take effect on November 1, 2017.

and that after passage the title of the bill be amended to read: “An act relating to Lifeline benefits”

(Committee Vote: 7-1-0)

Rep. Dakin of Colchester, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Energy and Technology.

(Committee Vote: 10-0-1)

H. 386

An act relating to home health agency provider taxes

Rep. Baser of Bristol, for the Committee on Ways and Means, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 1951 is amended to read:

§ 1951. DEFINITIONS

As used in this subchapter:

(1) “Assessment” means a tax levied on a health care provider pursuant to this chapter.

(2)(A) “Core home health care and hospice services” means:

(i) those medically necessary, intermittent, 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 persons who are terminally ill as defined in subdivision 7102(3) of this title home health services provided by Medicare-certified home health agencies that are covered under Title XVIII (Medicare) or XIX (Medicaid) of the Social Security Act;~~

(ii) services covered under the adult and pediatric High Technology Home Care programs;

(iii) personal care, respite care, and companion care services provided through the Choices for Care program contained within Vermont's Global Commitment to Health Section 1115 demonstration;

(iv) hospice services; and

(v) home health and hospice services covered under a health insurance or other health benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402.

(B) The term "core home health and hospice services" shall not include any other service provided by a home health agency, including:

(i) private duty nursing;

(ii) case management services;

(iii) homemaker services;

(iv) the Flexible Choices or Assistive Devices options under the Choices for Care program contained within Vermont's Global Commitment to Health Section 1115 demonstration;

(v) adult day services;

(vi) group-directed attendant care services;

(vii) primary care services;

(viii) nursing home room and board when a hospice patient is in a nursing home;

(ix) health clinics, including occupational health, travel, and flu clinics;

(x) services provided to children under the early and periodic screening, diagnostic, and treatment Medicaid benefit;

(xi) services provided pursuant to the Money Follows the Person

demonstration project;

(xii) services provided pursuant to the Traumatic Brain Injury Program; or

(xiii) maternal-child wellness services, including services provided through the Nurse Family Partnership program.

* * *

(10) “Net operating patient revenues” means a provider’s gross charges less any deductions for bad debts, charity care, contractual allowances, and other payer discounts as reported on its audited financial statement.

* * *

Sec. 2. 33 V.S.A. § 1955a is amended to read:

§ 1955a. HOME HEALTH AGENCY ASSESSMENT

~~(a)(1)~~ Beginning October 1, 2011, each ~~Each~~ home health agency’s assessment shall be ~~19.30~~ 4.17 percent of its net operating patient revenues from core home health care and hospice services, ~~excluding revenues for services provided under Title XVIII of the federal Social Security Act; provided, however, that each home health agency’s annual assessment shall be limited to no more than six percent of its annual net patient revenue provided exclusively in Vermont.~~

(2) The amount of the tax shall be determined by the Commissioner based on the home health agency’s most recent audited financial statements at the time of submission, a copy of which shall be provided on or before May 1 of each year to the Department.

(3) For providers who begin operations as a home health agency after January 1, 2005, the tax shall be assessed as follows:

~~(4)(A)~~ Until such time as the home health agency submits audited financial statements for its first full year of operation as a home health agency, the Commissioner, in consultation with the home health agency, shall annually estimate the amount of tax payable and shall prescribe a schedule for interim payments.

~~(2)(B)~~ At such time as the full-year audited financial statement is filed, the final assessment shall be determined, and the home health agency shall pay any underpayment or the Department shall refund any overpayment. The assessment for the State fiscal year in which a provider commences operations as a home health agency shall be prorated for the proportion of the State fiscal year in which the new home health agency was in operation.

* * *

Sec. 3. 2016 Acts and Resolves No. 134, Sec. 32 is amended to read:

Sec. 32. HOME HEALTH AGENCY ASSESSMENT FOR FISCAL
~~YEARS YEAR~~ 2017 ~~AND 2018~~

Notwithstanding any provision of 33 V.S.A. § 1955a(a) to the contrary, for fiscal years year 2017 ~~and 2018~~ only, the amount of the home health agency assessment under 33 V.S.A. § 1955a for each home health agency shall be 3.63 percent of its annual net patient revenue.

Sec. 4. REPEAL

33 V.S.A. § 1955a is repealed on July 1, 2019.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

(Committee Vote: 11-0-0)

Favorable

H. 508

An act relating to building resilience for individuals experiencing adverse childhood experiences.

(Rep. Mrowicki of Putney will speak for the Committee on Human Services.)

Rep. Trieber of Rockingham, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

H. 510

An act relating to the cost share for State agricultural water quality financial assistance grants.

(Rep. Ainsworth of Royalton will speak for the Committee on Natural Resources; Fish & Wildlife.)

Rep. Helm of Fair Haven, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote: 10-1-0)

H. 511

An act relating to highway safety.

(Rep. Brennan of Colchester will speak for the Committee on Transportation.)

Rep. Helm of Fair Haven, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

H. 512

An act relating to the procedure for conducting recounts.

(Rep. Hubert of Milton will speak for the Committee on Government Operations.)

Rep. Juskiewicz of Cambridge, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

Amendment to be offered by Rep. Ainsworth of Royalton to H. 512

That the bill be amended in Sec. 1, 17 V.S.A. chapter 51, subchapter 9, in § 2602a (appointment of recount committee), in subdivision (b)(1), following “under this section” by inserting “, with the number of appointments based on the number of votes to be recounted and a goal of completing the recount within one day”

NOTICE CALENDAR

Committee Bill for Second Reading

H. 515

An act relating to Executive Branch and Judiciary fees.

(Rep. Ancel of Calais will speak for the Committee on Ways and Means.)

Favorable with Amendment

H. 85

An act relating to captive insurance companies

Rep. Sullivan of Dorset, for the Committee on Commerce and Economic Development, recommends the bill be amended as follows:

First: In Sec. 1, 8 V.S.A. § 6007, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Prior to March 1 of each year, and prior to March 15 of each year in the case of pure captive insurance companies or industrial insured captive insurance companies, each captive insurance company shall submit to the Commissioner a report of its financial condition, verified by oath of two of its executive officers. Each captive insurance company shall report using generally accepted accounting principles, statutory accounting principles, or

international financial reporting standards unless the Commissioner requires, approves, or accepts the use of ~~statutory accounting principles~~ or any other comprehensive basis of accounting, in each case with any appropriate or necessary modifications or adaptations thereof required or approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. As used in this section, statutory accounting principles shall mean the accounting principles codified in the NAIC Accounting Practices and Procedures Manual. Upon application for admission, a captive insurance company shall select, with explanation, an accounting method for reporting. Any change in a captive insurance company's accounting method shall require prior approval. Except as otherwise provided, each risk retention group shall file its report in the form required by subsection 3561(a) of this title, and each risk retention group shall comply with the requirements set forth in section 3569 of this title. The Commissioner shall by rule propose the forms in which pure captive insurance companies, association captive insurance companies, and industrial insured captive insurance companies shall report. Subdivision 6002(c)(3) of this title shall apply to each report filed pursuant to this section, except that such subdivision shall not apply to reports filed by risk retention groups.

Second: In Sec. 3, 8 V.S.A. § 6001, by striking out subdivision (5) in its entirety and inserting in lieu thereof a new subdivision (5) to read as follows:

~~(4)~~(5) “Captive insurance company” means any pure captive insurance company, association captive insurance company, sponsored captive insurance company, industrial insured captive insurance company, agency captive insurance company, risk retention group, or special purpose financial insurance company formed or licensed under the provisions of this chapter. For purposes of this chapter, a branch captive insurance company shall be a pure captive insurance company with respect to operations in this State, unless otherwise permitted by the Commissioner.

(Committee Vote: 10-0-1)

Rep. Young of Glover, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development and when further amended as follows:

By striking out Sec. 2 (premium tax credit) in its entirety, and by inserting in lieu thereof a new Sec. 2 as follows:

Sec. 2. [Deleted.]

(Committee Vote: 10-0-1)

H. 170

An act relating to possession and cultivation of marijuana by a person 21 years of age or older

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

Sec. 1. LEGISLATIVE INTENT; CIVIL AND CRIMINAL PENALTIES

It is the intent of the General Assembly to eliminate all penalties for possession of one ounce or less of marijuana for a person who is 21 years of age or older while retaining civil and criminal penalties for possession of larger amounts of marijuana and criminal penalties for unauthorized dispensing or sale of marijuana. This act also retains civil penalties for possession of marijuana by a person under 21 years of age, which are the same as for possession of alcohol by a person under 21 years of age.

Sec. 2. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

* * *

~~(15)(A) “Marijuana” means any plant material of the genus cannabis or any preparation, compound, or mixture thereof except:~~

~~(A) sterilized seeds of the plant;~~

~~(B) fiber produced from the stalks; or~~

(C) hemp or hemp products, as defined in 6 V.S.A. § 562 all parts of the plant Cannabis sativa L., except as provided by subdivision (B) of this subdivision (15), whether growing or harvested, and includes:

(i) the seeds of the plant;

(ii) the resin extracted from any part of the plant; and

(iii) any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

(B) “Marijuana” does not include:

(i) the mature stalks of the plant and fiber produced from the stalks;

(ii) oil or cake made from the seeds of the plant;

(iii) any compound, manufacture, salt, derivative, mixture, or

preparation of the mature stalks, fiber, oil, or cake;

(iv) the sterilized seed of the plant that is incapable of germination; or

(v) hemp or hemp products, as defined in 6 V.S.A. § 562.

* * *

(43) “Immature marijuana plant” means a female marijuana plant that has not flowered and that does not have buds that may be observed by visual examination.

(44) “Mature marijuana plant” means a female marijuana plant that has flowered and that has buds that may be observed by visual examination.

Sec. 3. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA

(a) Possession and cultivation.

(1)(A) No person shall knowingly and unlawfully possess more than ~~one ounce~~ two ounces of marijuana or more than ~~five~~ 10 grams of hashish or cultivate more than three mature marijuana plants or six immature marijuana plants. For a first offense under this subdivision (A), a person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice. A person convicted of a first offense under this subdivision shall be imprisoned not more than six months or fined not more than \$500.00, or both.

(B) A person convicted of a second or subsequent offense of knowingly and unlawfully possessing more than ~~one ounce~~ two ounces of marijuana or more than ~~five~~ 10 grams of hashish or cultivating more than three mature marijuana plants or six immature marijuana plants shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(C) Upon an adjudication of guilt for a first or second offense under this subdivision, the court may defer sentencing as provided in 13 V.S.A. § 7041 except that the court may in its discretion defer sentence without the filing of a presentence investigation report and except that sentence may be imposed at any time within two years from and after the date of entry of deferment. The court may, prior to sentencing, order that the defendant submit to a drug assessment screening which may be considered at sentencing in the same manner as a presentence report.

~~(2) A person knowingly and unlawfully possessing two ounces of marijuana or 10 grams of hashish or knowingly and unlawfully cultivating~~

~~more than three plants of marijuana shall be imprisoned not more than three years or fined not more than \$10,000.00, or both.~~

(3) A person knowingly and unlawfully possessing more than one pound or more of marijuana or more than 2.8 ounces or more of hashish or knowingly and unlawfully cultivating more than 10 plants of six mature marijuana plants or 12 immature marijuana plants shall be imprisoned not more than five three years or fined not more than \$100,000.00 \$10,000.00, or both.

(4)(3) A person knowingly and unlawfully possessing more than 10 pounds or more of marijuana or more than one pound or more of hashish or knowingly and unlawfully cultivating more than 25 plants of 12 mature marijuana plants or 24 immature marijuana plants shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both.

(5)(4) If a court fails to provide the defendant with notice of collateral consequences in accordance with 13 V.S.A. § 8005(b) and the defendant later at any time shows that the plea and conviction for a violation of this subsection may have or has had a negative consequence, the court, upon the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea or admission and enter a plea of not guilty. Failure of the court to advise the defendant of a particular collateral consequence shall not support a motion to vacate.

(5) The amounts of marijuana in this subsection shall not include marijuana cultivated, harvested, and stored in accordance with section 4230f of this title.

* * *

Sec. 4. 18 V.S.A. § 4230a is amended to read:

§ 4230a. MARIJUANA POSSESSION BY A PERSON 21 YEARS OF AGE OR OLDER; CIVIL VIOLATION

(a)(1) A person 21 years of age or older who knowingly and unlawfully possesses ~~one ounce or but less of marijuana or five grams or less of hashish~~ any of the following commits a civil violation ~~and~~:

(A) more than one ounce, but not more than two ounces of marijuana;

(B) more than five grams, but not more than 10 grams of hashish; or

(C) more than two mature marijuana plants and four immature marijuana plants, but not more than three mature marijuana plants or six immature marijuana plants.

(2) A person who violates subdivision (1) of this subsection shall be assessed a civil penalty as follows:

- ~~(1) of not more than \$200.00 for a first offense;~~
- ~~(2) not more than \$300.00 for a second offense;~~
- ~~(3) not more than \$500.00 for a third or subsequent offense.~~

~~(b)(1) Except as otherwise provided in this section, a person 21 years of age or older who possesses one ounce or less of marijuana or five grams or less of hashish or who possesses paraphernalia for marijuana use and shall not be penalized or sanctioned in any other manner by the State or any of its political subdivisions or denied any right or privilege under State law.~~

~~(2) A violation of this section shall not result in the creation of a criminal history record of any kind.~~

(b) Second or subsequent violations of subdivision (1) of subsection (a) shall be punished in accordance with subdivision 4230(a)(1) of this title.

(c)(1) This section does not exempt any person from arrest or prosecution for being under the influence of marijuana while operating a vehicle of any kind and shall not be construed to repeal or modify existing laws or policies concerning the operation of vehicles of any kind while under the influence of marijuana.

~~(2) This section is not intended to affect the search and seizure laws afforded to duly authorized law enforcement officers under the laws of this State. Marijuana is contraband pursuant to section 4242 of this title and possessed in violation of this title is contraband and subject to seizure and forfeiture unless possessed in compliance with chapter 86 of this title (therapeutic use of cannabis).~~

(3) This section shall not be construed to prohibit a municipality from regulating, prohibiting, or providing additional penalties for the use of marijuana in public places.

(d) If a person suspected of violating this section contests the presence of cannabinoids within 10 days of receiving a civil citation, the person may request that the State Crime Laboratory test the substance at the person's expense. If the substance tests negative for the presence of cannabinoids, the State shall reimburse the person at state State expense.

(e)(1) A law enforcement officer is authorized to detain a person if:

(A) the officer has reasonable grounds to believe the person has violated this section; and

(B) the person refuses to identify himself or herself satisfactorily to

the officer when requested by the officer.

(2) The person may be detained only until the person identifies himself or herself satisfactorily to the officer or is properly identified. If the officer is unable to obtain the identification information, the person shall forthwith be brought before a judge in the Criminal Division of the Superior Court for that purpose. A person who refuses to identify himself or herself to the Court on request shall immediately and without service of an order on the person be subject to civil contempt proceedings pursuant to 12 V.S.A. § 122.

(f) Fifty percent of the civil penalties imposed by the Judicial Bureau for violations of this section shall be deposited in the Drug Task Force Special Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and available to the Department of Public Safety for the funding of law enforcement officers on the Drug Task Force, except for a \$12.50 administrative charge for each violation which shall be deposited in the Court Technology Special Fund, in accordance with 13 V.S.A. § 7252. The remaining 50 percent shall be deposited in the Youth Substance Abuse Safety Program Special Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and available to the Court Diversion Program for funding of the Youth Substance Abuse Safety Program as required by section 4230b of this title.

Sec. 5. 18 V.S.A. § 4230b is amended to read:

§ 4230b. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS OF AGE; CIVIL VIOLATION

(a) Offense. A person under 21 years of age who knowingly and unlawfully possesses ~~one ounce~~ two ounces or less of marijuana or ~~five~~ 10 grams or less of hashish or three mature marijuana plants or fewer or six immature marijuana plants or fewer commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(1) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days, for a first offense; and

(2) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a second or subsequent offense.

* * *

Sec. 6. REPEAL

18 V.S.A. § 4230d (Marijuana possession by a person under 16 years of age; delinquency) is repealed.

Sec. 7. 18 V.S.A. § 4230e is added to read:

§ 4230e. POSSESSION OF MARIJUANA BY A PERSON 21 YEARS OF AGE OR OLDER

(a)(1) Except as otherwise provided in this title, a person 21 years of age or older who possesses one ounce or less of marijuana or five grams or less of hashish and two mature marijuana plants or fewer or four immature marijuana plants or fewer shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law.

(2) The one-ounce limit of marijuana that may be possessed by a person 21 years of age or older shall not include marijuana cultivated, harvested, and stored in accordance with section 4230f of this title.

(b) A person shall not consume marijuana or hashish in a public place. "Public place" means any street, alley, park, sidewalk, public building other than individual dwellings, any place of public accommodation as defined in 9 V.S.A. § 4501, and any place where the possession of a lighted tobacco product is prohibited pursuant to section 1421 of this title or chapter 37 of this title. A person who violates this subsection shall be assessed a civil penalty as follows:

- (1) not more than \$100.00 for a first offense;
- (2) not more than \$200.00 for a second offense; and
- (3) not more than \$500.00 for a third or subsequent offense.

Sec. 8. 18 V.S.A. § 4230f is added to read:

§ 4230f. CULTIVATION OF MARIJUANA BY A PERSON 21 YEARS OF AGE OR OLDER

(a)(1) Except as otherwise provided in this section, a person 21 years of age or older who cultivates no more than two mature marijuana plants and four immature marijuana plants shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law.

(2) Each dwelling unit shall be limited to two mature marijuana plants and four immature marijuana plants regardless of how many persons 21 years of age or older reside in the dwelling unit. As used in this section, "dwelling unit" means a building or the part of a building that is used as a primary home, residence, or sleeping place by one or more persons who maintain a household.

(3) Any marijuana harvested from the plants allowed pursuant to this subsection shall not count toward the one-ounce possession limit in section 4229a of this title provided it is stored in an indoor facility on the property where the marijuana was cultivated and reasonable precautions are taken to prevent unauthorized access to the marijuana.

(4) Cultivation in excess of the limits provided in this subsection shall be punished in accordance with sections 4230 and 4230a of this title.

(b)(1) Personal cultivation of marijuana only shall occur:

(A) on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property; and

(B) in an enclosure that is screened from public view and reasonable precautions are taken to prevent unauthorized access to the marijuana.

(2) A person who violates this subsection shall be assessed a civil penalty as follows:

(A) not more than \$100.00 for a first offense;

(B) not more than \$200.00 for a second offense; and

(C) not more than \$500.00 for a third or subsequent offense.

Sec. 9. 18 V.S.A. § 4230g is added to read:

§ 4230g. FURNISHING MARIJUANA TO A PERSON UNDER 21 YEARS OF AGE; CRIMINAL OFFENSE

(a) No person shall:

(1) furnish marijuana to a person under 21 years of age; or

(2) knowingly enable the consumption of marijuana by a person under 21 years of age.

(b) As used in this section, “enable the consumption of marijuana” means creating a direct and immediate opportunity for a person to consume marijuana.

(c) Except as provided in subsection (d) of this section, a person who violates subsection (a) of this section shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(d) A person who violates subsection (a) of this section, where the person under 21 years of age, while operating a motor vehicle on a public highway, causes death or serious bodily injury to himself or herself or to another person as a result of the violation, shall be imprisoned not more than five years or fined not more than \$10,000.00, or both.

(e) This section shall not apply to:

(1) A person under 21 years of age who furnishes marijuana to a person under 21 years of age or who knowingly enables the consumption of marijuana by a person under 21 years of age. Possession of an ounce or less of marijuana by a person under 21 years of age shall be punished in accordance with sections 4230b–4230d of this title and dispensing or selling marijuana shall be punished in accordance with sections 4230 and 4237 of this title.

(2) A dispensary that lawfully provides marijuana to a registered patient or caregiver pursuant to chapter 86 of this title.

Sec. 10. 18 V.S.A. § 4230h is added to read:

§ 4230h. FURNISHING MARIJUANA TO A PERSON UNDER 21 YEARS OF AGE; CIVIL ACTION FOR DAMAGES

(a) A spouse, child, guardian, employer, or other person who is injured in person, property, or means of support by a person under 21 years of age who is impaired by marijuana, or in consequence of the impairment by marijuana of any person under 21 years of age, shall have a right of action in his or her own name, jointly or severally, against any person or persons who have caused in whole or in part such impairment by furnishing marijuana to a person under 21 years of age.

(b) Upon the death of either party, the action and right of action shall survive to or against the party's executor or administrator. The party injured or his or her legal representatives may bring either a joint action against the impaired person under 21 years of age and the person or persons who furnished the marijuana, or a separate action against either or any of them.

(c) An action to recover for damages under this section shall be commenced within two years after the cause of action accrues, and not after.

(d) In an action brought under this section, evidence of responsible actions taken or not taken is admissible if otherwise relevant.

(e) A defendant in an action brought under this section has a right of contribution from any other responsible person or persons, which may be enforced in a separate action brought for that purpose.

(f) A person who knowingly furnishes marijuana to a person under 21 years of age may be held liable under this section if the social host knew, or a reasonable person in the same circumstances would have known, that the person who received the marijuana was under 21 years of age.

Sec. 11. 18 V.S.A. § 4230i is added to read:

§ 4230i. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE

PROHIBITED

(a) No person shall manufacture concentrated marijuana by chemical extraction or chemical synthesis using butane or hexane unless authorized as a dispensary pursuant to a registration issued by the Department of Public Safety pursuant to chapter 86 of this title.

(b) A person who violates subsection (a) of this section shall be imprisoned not more than two years or fined not more than \$2,000.00, or both. A person who violates subsection (a) of this section and causes serious bodily injury to another person shall be imprisoned not more than five years or fined not more than \$5,000.00, or both.

Sec. 12. 18 V.S.A. § 4476 is amended to read:

§ 4476. OFFENSES AND PENALTIES

~~(a) No person shall sell, possess with intent to sell, or manufacture with intent to sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a regulated drug in violation of chapter 84 of this title. Whoever violates any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than \$1,000.00, or both.~~

~~(b) Any A person who violates subsection (a) of this section by selling sells drug paraphernalia to a person under 18 years of age shall be imprisoned for not more than two years, or fined not more than \$2,000.00, or both.~~

~~(e)(b) The distribution and possession of needles and syringes as part of an organized community-based needle exchange program shall not be a violation of this section or of chapter 84 of this title.~~

Sec. 13. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

(Committee Vote: 8-3-0)

H. 424

An act relating to the Commission on Act 250: The Next 50 Years

Rep. Sullivan of Burlington, for the Committee on Natural Resources; Fish & Wildlife, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS; PURPOSE

(a) Findings. The General Assembly finds as follows:

(1) In 1969, Governor Deane Davis by executive order created the Governor's Commission on Environmental Control, which consisted of 12 members and became known as the Gibb Commission because it was chaired by Representative Arthur Gibb.

(2) The Gibb Commission's recommendations, submitted in 1970, included a new State system for reviewing and controlling plans for large-scale and environmentally sensitive development. The system was not to be centered in Montpelier. Instead, the power to review projects and grant permits would be vested more locally, in commissions for districts within the State.

(3) In 1970, the General Assembly enacted 1970 Acts and Resolves No. 250, an act to create an environmental board and district environmental commissions. This act is now codified at 10 V.S.A. chapter 151 and is commonly known as Act 250. In Sec. 1 of Act 250 (the Findings), the General Assembly found that:

(A) "the unplanned, uncoordinated and uncontrolled use of the lands and the environment of the state of Vermont has resulted in usages of the lands and the environment which may be destructive to the environment and which are not suitable to the demands and needs of the people of the state of Vermont";

(B) "a comprehensive state capability and development plan and land use plan are necessary to provide guidelines for utilization of the lands and environment of the state of Vermont and to define the goals to be achieved through land environmental use, planning and control";

(C) "it is necessary to establish an environmental board and district environmental commissions and vest them with the authority to regulate the use of the lands and the environment of the state according to the guidelines and goals set forth in the state comprehensive capability and development plan and to give these commissions the authority to enforce the regulations and controls"; and

(D) "it is necessary to regulate and control the utilization and usages of lands and the environment to insure that, hereafter, the only usages which will be permitted are not unduly detrimental to the environment, will promote the general welfare through orderly growth and development and are suitable to the demands and needs of the people of this state."

(4) In 1973 Acts and Resolves No. 85, Secs. 6 and 7, the General Assembly adopted the Capability and Development Plan (the Plan) called for by Act 250. Among the Plan's objectives are:

(A) “Preservation of the agricultural and forest productivity of the land, and the economic viability of agricultural units, conservation of the recreational opportunity afforded by the state’s hills, forests, streams and lakes, wise use of the state’s non-renewable earth and mineral reserves, and protection of the beauty of the landscape are matters of public good. Uses which threaten or significantly inhibit these resources should be permitted only when the public interest is clearly benefited thereby.”

(B) “Increased demands for and costs of public services, such as schools, road maintenance, and fire and police protection must be considered in relation to available tax revenues and reasonable public and private capital investment. . . . Accordingly, conditions may be imposed upon the rate and location of development in order to control its impact upon the community.”

(C) “Strip development along highways and scattered residential development not related to community centers cause increased cost of government, congestion of highways, the loss of prime agricultural lands, overtaxing of town roads and services and economic or social decline in the traditional community center.”

(D) “Provision should be made for the renovation of village and town centers for commercial and industrial development, where feasible, and location of residential and other development off the main highways near the village center on land which is other than primary agricultural soil.”

(E) “In order to achieve a strong economy that provides satisfying and rewarding job and investment opportunities and sufficient income to meet the needs and aspirations of the citizens of Vermont, economic development should be pursued selectively so as to provide maximum economic benefit with minimal environmental impact.”

(b) Purpose. In light of Act 250’s upcoming 50th anniversary, the General Assembly establishes the Commission on Act 250: the Next 50 Years, in order to review and make recommendations on improving the effectiveness and efficiency of the Act as currently implemented in achieving the goals set forth in the Findings and the Capability and Development Plan, which in this act will be referred to as “the Act 250 goals.” The General Assembly intends that the Commission provide information to the public on the history and implementation of Act 250 and solicit proposals and input from the public on the matters within its charge. The General Assembly also intends that the Commission’s recommendations enable the Act 250 program, going forward, to meet the Act 250 goals and to safeguard Vermont’s environment effectively and efficiently.

(c) Executive Branch working group. Contemporaneously with the consideration of this act by the General Assembly, the Chair of the Natural

Resources Board (NRB) has convened a working group on Act 250 to include the NRB and the Agencies of Commerce and Community Development and of Natural Resources, with assistance from the Agencies of Agriculture, Food and Markets and of Transportation. The working group intends to make recommendations during October 2017. The General Assembly intends that the Commission established by this act receive and consider information and recommendations offered by the working group convened by the Chair of the NRB.

Sec. 2. COMMISSION ON ACT 250: THE NEXT 50 YEARS; REPORT;

APPROPRIATION

(a) Establishment. There is established the Commission on Act 250: the Next 50 Years to:

(1) provide information regarding Act 250 and its operation and implementation to date; and

(2) review and make recommendations on improving the effectiveness and efficiency of the Act as currently implemented in achieving the Act 250 goals.

(b) Membership. The Commission shall be composed of the following 11 members:

(1) Four current members of the General Assembly with knowledge and expertise in one or more of the following areas: conservation and development, natural resources, or judicial or quasi-judicial process. Of these members:

(A) two shall be members of the House of Representatives, appointed by the Speaker of the House; and

(B) two shall be members of the Senate, appointed by the Committee on Committees.

(2) The Chair of the Natural Resources Board or designee.

(3) A representative of a Vermont-based, statewide environmental organization that has a focus on land use and significant experience in the Act 250 process, appointed by the Committee on Committees.

(4) A person with significant experience in real estate development and land use permitting, including Act 250, appointed by the Speaker of the House.

(5) A representative of the Vermont Planners Association, appointed by the Governor.

(6) A member of a Vermont-based statewide business organization,

appointed by the Governor.

(7) A person who is the owner of a small business that has had to obtain permits under Act 250, appointed by the Governor.

(8) A person currently serving in the position of an elected officer of a Vermont city or town, appointed by the Governor.

(c) Public meetings. The Commission shall conduct seven public meetings in different regions of the State to provide information and collect public input regarding the protections and process of Act 250, with the seventh meeting to occur in Montpelier. The Commission shall collaborate with regional and municipal planning organizations. At these meetings, the Commission shall provide the information described in subsection (d) of this section and solicit input and proposals from the public on the issues identified in subsection (e) of this section. In addition to public meetings, the Commission shall use social media and other online mechanisms to survey and obtain information from the public.

(d) Information. The Commission shall summarize and present to the public:

(1) the purpose and requirements of Act 250 and the rules adopted pursuant to the Act, and the process for appealing decisions;

(2) the history of Act 250 and its implementation; and

(3) the data on numbers of applications and appeals and processing times for each.

(e) Study; recommendations. In performing the review and making the recommendations described in subsection (a) of this section:

(1) The Commission shall examine the criteria at 10 V.S.A. § 6086(a) and make recommendations to:

(A) Ensure that the requirements of the criteria reflect current science and research. This inquiry shall include specific examination of the Act 250 criteria related to air, water, waste, habitat protection, forestland, and the impact of development on the budgets, facilities, and infrastructure of local, regional, and State governments.

(B) Ensure that the criteria address the issue of climate change, including reducing greenhouse gas emissions from projects subject to the Act and ensuring that those projects are prepared for the potential effects of climate change. In 2013 Acts and Resolves No. 89, Sec. 1(1), the General Assembly found that “[t]he primary driver of climate change in Vermont and elsewhere is the increase of atmospheric carbon dioxide (CO₂) from the burning of fossil fuels.”

(C) Ensure that the criteria support development in centers designated under 24 V.S.A. chapter 76A and preserve, outside designated centers, natural resources, working farms, and working forests, including a healthy forest industry and a healthy ecosystem protected from fragmentation. The Commission also shall consider the impact of these policies on towns in which physical or other constraints may inhibit development in or expansion of existing settlements.

(D) Ensure that the criteria address any other issues related to the impacts of developments and subdivisions that the Commission determines have emerged since passage of the Act, including issues that may be raised by changes in the environmental protections afforded by federal law and regulation.

(2) The Commission shall examine potential changes to Act 250 jurisdiction to encourage development in designated centers and protect natural resources outside those centers, including working farms and forestland.

(3) The Commission shall examine whether efficiencies in Act 250 are available based on each of the planning and permitting processes listed in this subdivision and, based on this examination, make recommendations, if any, on ways to achieve those efficiencies while preserving the authority of the Act.

(A) In performing this examination, the Commission shall consider the compatibility with Act 250 of the scope, criteria, and procedures for each of these processes, which are:

(i) current environmental regulation by the Agency of Natural Resources;

(ii) current implementation of municipal and regional land use planning and regulation; and

(iii) the designations available under 24 V.S.A. chapter 76A.

(B) The Commission's examination shall identify changes in these planning and permitting processes that would assist in making Act 250 more effective and efficient.

(4) The Commission shall review the efficiency and effectiveness of the process before the District Commissions in achieving the Act 250 goals and whether changes could better meet these goals and improve the process for participants, including applicants and other parties, and shall make its resulting recommendations, if any.

(5) The Commission shall examine the effectiveness and efficiency of the current appeals process in achieving the Act 250 goals and whether changes could better meet these goals, and make its recommendations, if any,

on how to improve the appeals process to achieve them. This inquiry shall include consideration of:

(A) barriers, if any, in the current appeals process that discourage participation;

(B)(i) the use of de novo hearing or on the record review on appeal of Act 250 decisions; and

(ii) if de novo hearing is retained, barriers in the current appeals process, if any, that inhibit reaching decisions on the merits of whether a project meets the Act 250 criteria on appeal; and

(C) comparison of the cost, length of time, and efficiency of the appeals process before the Environmental Division of the Superior Court as compared to the appeals process before the former Environmental Board.

(6) The Commission shall examine whether the intent of Act 250 to encourage citizen participation is being achieved effectively and identify ways to improve citizen participation in Act 250.

(7) The Commission shall examine the role of the Natural Resources Board and alternatives to the Board model in administering the Act 250 program, including whether the Board as currently constituted is the most effective and efficient structure to administer Act 250.

(8) The Commission shall examine the circumstances under which land might be released from Act 250 jurisdiction when the use of land has changed to a use that would not constitute a development or subdivision within the meaning of the Act. The Commission shall propose a process and criteria under which such a release might be allowed.

(9) The Commission shall examine the definitions of “development” and “subdivision” contained in the Act and consider whether changes to those definitions would better achieve the Act 250 goals, including:

(A) examining changes to improve the ability of the Act to protect forest blocks and habitat connectivity;

(B) reviewing the scope of Act 250’s jurisdiction over projects on ridgelines, including its ability to protect ridgelines that are lower than 2,500 feet, and projects on ridgelines that are expressly exempted from Act 250; and

(C) considering projects that involve land in more than one town and one of the towns has both permanent zoning and subdivision bylaws and one of the towns does not have both sets of bylaws.

(f) Report. The Commission shall consider the public input and proposals provided under subsection (c) of this section and the issues set forth in

subsection (e) of this section and shall report its findings and recommendations for legislative action to the House Committee on Natural Resources, Fish and Wildlife and the Senate Committee on Natural Resources and Energy (the Natural Resource Committees). The report shall attach proposed legislation. The report of the Commission shall be submitted on or before January 15, 2019 and on submission shall be posted to the web pages of the Natural Resources Committees.

(g) Assistance.

(1) The staff of the Natural Resources Board shall provide professional, legal, and administrative services to the Commission, including the scheduling of meetings and the preparation of the Commission's report.

(2) The Office of Legislative Council shall provide legal services to the Commission, including drafting the Commission's proposed legislation.

(3) The Commission shall have technical services of the Agencies of Commerce and Community Development, of Natural Resources, and of Transportation and, on request, shall be entitled to legal assistance from those agencies in their areas of expertise.

(4) On request, the Commission shall be entitled to financial assistance from the Joint Fiscal Office and to data from the Superior Court on appeals before the Environmental Division from decisions under Act 250, including annual numbers of appeals, length of time, and disposition.

(5) The Commission may request that an organization that has a member on the Commission make available to the Commission information or professional or technical resources that the member's organization already possesses.

(h) Meetings; officers.

(1) In addition to the public meetings required under subsection (c) of this section, the Commission may meet as needed to perform its tasks, and shall cease to exist on February 15, 2019.

(2) The staff of the Natural Resources Board and the Office of Legislative Council jointly shall convene the first meeting of the Commission to occur during October 2017. At that meeting, the Commission shall:

(A) elect a chair from among its legislative members and a vice chair from among its members; and

(B) receive the information and recommendations developed by the working group described in Sec. 1(c) of this act.

(3) The Commission may appoint members of the Commission to

subcommittees to which it assigns tasks related to specific issues within the Commission's charge.

(4) Meetings of the Commission and subcommittees shall be subject to the Vermont Open Meeting Law and 1 V.S.A. § 172.

(i) Reimbursement.

(A) For attendance at no more than 10 Commission meetings during adjournment of the General Assembly, legislative members of the Commission shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

(B) Other members of the Commission who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than 10 Commission meetings. These costs shall be allocated to the budget of the Natural Resources Board and District Environmental Commissions.

(C) There shall be no reimbursement for attendance at subcommittee meetings or more than 10 Commission meetings.

(j) Facilitator; retention; appropriation. On behalf of the Commission, the Office of Legislative Council shall be authorized to retain, after a competitive bid process, a professional facilitator to assist the Commission in the development of information to be presented or provided at the public meetings under subsection (c) of this section; the conduct of these meetings; the use of social media and other online mechanisms to survey and obtain information from the public; and in making decisions on its report and recommendations. The facilitator shall attend each of the public meetings conducted under subsection (c) of this section. During fiscal year 2018, the sum of \$50,000.00 is appropriated to the Office of Legislative Council for the purpose of this subsection and the expenditure of up to \$50,000.00 for this purpose is authorized.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 7-2-0)

Rep. Feltus of Lyndon, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Natural Resources; Fish & Wildlife and when further amended as follows:

In Sec. 2 (commission on Act 250: the next 50 years; report;

appropriation), by striking out subsection (j) (facilitator; retention; appropriation) in its entirety.

(Committee Vote: 9-2-0)

H. 509

An act relating to calculating statewide education tax rates.

(Rep. Sharpe of Bristol will speak for the Committee on Education.)

Rep. Donovan of Burlington, for the Committee on Ways and Means, recommends the bill ought to pass when amended as follows:

First: By striking out Secs. 1–8 and inserting in lieu thereof the following:

* * * Yields and Nonresidential Tax Rate * * *

Sec. 1. PROPERTY DOLLAR EQUIVALENT YIELD AND INCOME

DOLLAR EQUIVALENT YIELD FOR FISCAL YEAR 2018

Pursuant to 32 V.S.A. § 5402b(b), for fiscal year 2018 only:

(1) the property dollar equivalent yield is \$10,077.00; and

(2) the income dollar equivalent yield is \$11,851.00.

Sec. 2. NONRESIDENTIAL PROPERTY TAX RATE FOR FISCAL YEAR 2018

For fiscal year 2018 only, the nonresidential education property tax imposed under 32 V.S.A. § 5402(a)(2) shall be reduced from the rate of \$1.59 and instead be \$1.555 per \$100.00.

* * * Unfunded Mandates* * *

Sec. 3. 32 V.S.A. § 305b is added to read:

§ 305b. UNFUNDED EDUCATION MANDATE AMOUNT TRANSFER

Within 30 days after the end of each annual legislative session of the General Assembly, the Joint Fiscal Office and the Secretary of Administration in consultation with the Secretary of Education shall estimate the “unfunded education mandate amount.” This estimate shall equal the total dollar amount required for supervisory unions and school districts to perform any action that is required pursuant to legislation enacted during that annual legislative session, and which has a related direct cost, but does not have a specifically identified appropriation for fulfilling that obligation. The estimate shall be for the fiscal year commencing on July 1 of the following year. The Joint Fiscal Office and the Secretary of Administration shall present the unfunded education mandate amount estimate to the Emergency Board at its July

meeting and the Emergency Board shall determine the unfunded education mandate amount. The Governor's budget report required under section 306 of this title shall include a transfer of this amount from the General Fund pursuant to 16 V.S.A. § 4025(a)(2) for the fiscal year commencing on July 1 of the following year.

Sec. 4. 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

(a) ~~An~~ The Education Fund is established to comprise the following:

* * *

(2) For each fiscal year, the amount of the general funds appropriated or transferred to the Education Fund shall be ~~\$305,900,000.00, to be:~~

(A) the total of \$305,900,000.00 plus the unfunded education mandate amount, as defined in subsection (e) of this section;

(B) increased annually beginning for fiscal year 2018 by the consensus Joint Fiscal Office and Administration determination of the National Income and Product Accounts (NIPA) Implicit Price Deflator for State and Local Government Consumption Expenditures and Gross Investment as reported by the U.S. Department of Commerce, Bureau of Economic Analysis through the fiscal year for which the payment is being determined;

(C) plus an additional one-tenth of one percent.

* * *

(e) As used in this section, "unfunded education mandate amount" shall mean the amount appropriated by the General Assembly in any fiscal year for the purpose of providing funding for supervisory unions and school districts to perform any action that is required pursuant to legislation, and which has a related direct cost, but does not otherwise have a specifically identified appropriation for fulfilling that obligation. The "unfunded education mandate amount" shall include the cumulative amount of these appropriations for all fiscal years in which they are made.

Sec. 5. 16 V.S.A. § 4028(d) is amended to read:

(d) Notwithstanding 2 V.S.A. § 502(b)(2), the Joint Fiscal Office shall prepare a fiscal note for any legislation that requires a supervisory union or school district to perform any action with ~~an associated a related direct cost, but does not provide money or a funding mechanism~~ have a specifically identified appropriation for fulfilling that obligation. Any fiscal note prepared under this subsection shall identify whether or not the estimated costs would be considered part of the "unfunded education mandate amount" under 32

V.S.A. § 305b for the next fiscal year. Any fiscal note prepared under this subsection shall be completed no later than the date that the legislation is considered for a vote in the first committee to which it is referred.

and by renumbering the remaining sections to be numerically correct.

Second: By striking out the original Sec. 10 (effective dates) in its entirety, and inserting in lieu thereof the following:

Sec. 7. EFFECTIVE DATE

This act shall take effect July 1, 2017 and apply to fiscal year 2018 and after.

(Committee Vote 10-1-0)

Favorable

H. 513

An act relating to making miscellaneous changes to education law.

(Rep. Conlon of Cornwall will speak for the Committee on Education.)

Rep. Juskiewicz of Cambridge, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote: 11-0-0)