

1 H.650

2 Introduced by Representatives Gannon of Wilmington and LaClair of Barre

3 Town

4 Referred to Committee on

5 Date:

6 Subject: Executive; boards and commissions; miscellaneous; repeal or revise

7 Statement of purpose of bill as introduced: This bill proposes to repeal or to

8 revise provisions regarding miscellaneous boards and commissions.

9 An act relating to boards and commissions

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 \* \* \* Repeal of Committee to Study the Effectiveness of the Juvenile Justice

12 System in Reducing Crime and Recidivism \* \* \*

13 Sec. 1. REPEAL

14 2012 Acts and Resolves No. 159, Sec. 8 (Committee to Study the

15 Effectiveness of the Juvenile Justice System in Reducing Crime and

16 Recidivism; report) is repealed.

17 \* \* \* Repeal of Commission on Juvenile Justice \* \* \*

18 Sec. 2. 3 V.S.A. § 3085c is amended to read:

19 § 3085c. ~~COMMISSION ON JUVENILE JUSTICE~~

1       ~~(a) The Commission on Juvenile Justice is created as a joint venture~~  
2       ~~between the Department for Children and Families and the Department of~~  
3       ~~Corrections.~~

4       ~~(b) The Commission shall be composed of three members:~~

5           ~~(1) The Juvenile Justice Director, who shall be the Chair of the~~  
6       ~~Commission.~~

7           ~~(2) The Commissioner for Children and Families.~~

8           ~~(3) The Commissioner of Corrections.~~

9       ~~(c) The Commission on Juvenile Justice shall have the following duties:~~

10           ~~(1) To develop a comprehensive system of juvenile justice for persons~~  
11       ~~under 21 years of age who commit delinquent or criminal acts, including~~  
12       ~~utilization of probation services, a range of community-based treatment,~~  
13       ~~training and rehabilitation programs, and secure detention and treatment~~  
14       ~~programs when necessary in the interests of public safety, designed with the~~  
15       ~~objective of preparing those persons to live in their communities as productive~~  
16       ~~and mature adults. The program developed by the Commission shall be~~  
17       ~~consistent with the policy that a successful juvenile justice system should:~~

18           ~~(A) hold juveniles accountable for their unlawful conduct;~~

19           ~~(B) provide secure and therapeutic confinement to juveniles who~~  
20       ~~pose a danger to the community;~~

21           ~~(C) adequately protect both juveniles and the community;~~

1           ~~(D) provide community based programs and services that are located~~  
2           ~~as closely as possible to the juvenile's community;~~

3           ~~(E) maintain juveniles in their homes, with adequate support,~~  
4           ~~whenever possible and appropriate;~~

5           ~~(F) use individualized case management plans as the basis for all~~  
6           ~~treatment planning and implementation;~~

7           ~~(G) include the juvenile's family in the case management plan;~~

8           ~~(H) monitor the case management plan to encourage rehabilitation~~  
9           ~~and deter reoffending, providing supervision, service coordination, and support~~  
10          ~~where appropriate;~~

11          ~~(I) provide a comprehensive aftercare component, including follow-~~  
12          ~~up and nonresidential post-release services when juveniles return to their~~  
13          ~~families or communities;~~

14          ~~(J) promote the development and implementation of community-~~  
15          ~~based programs designed to prevent unlawful conduct and to minimize the~~  
16          ~~depth and duration of the juvenile's involvement in the criminal justice system;~~

17          ~~(K) be coordinated with consistency between all departments~~  
18          ~~throughout the State, both with respect to general policy and to particular~~  
19          ~~cases.~~

20          ~~(2) To advise State agencies on matters of State policy relating to~~  
21          ~~juvenile justice.~~

1           ~~(3) To evaluate the adequacy of existing services to individuals involved~~  
2           ~~in the juvenile justice system and their families, and to conduct studies to~~  
3           ~~identify gaps in these services. These studies may include access to juvenile~~  
4           ~~justice-related services and support for families of individuals involved in the~~  
5           ~~juvenile justice system.~~

6           ~~(4) To identify strategies and recommend resources to expand successful~~  
7           ~~existing services.~~

8           ~~(5) To review or participate in the development of laws, rules, and other~~  
9           ~~governmental initiatives that may affect individuals involved in the juvenile~~  
10          ~~justice system and their families.~~

11          ~~(6) To provide advice regarding revisions, coordination of services,~~  
12          ~~accountability, and appropriations.~~

13          ~~(7) To cooperate with appropriate federal agencies in maximizing the~~  
14          ~~receipt of funds in support of programs relating to juvenile justice, particularly~~  
15          ~~those involving persons charged as youthful offenders under 33 V.S.A. § 5281.~~

16          ~~(d)(1) There are established within the Commission, and reporting to the~~  
17          ~~Juvenile Justice Director, the following positions:~~

18                 ~~(A) A Prevention Specialist, responsible for programs intended to~~  
19                 ~~reduce delinquency and crime among juvenile offenders, including mentoring~~  
20                 ~~programs, early assessments, substance abuse screening, child care services,~~  
21                 ~~after-school programs, and screening for problems which contribute to~~  
22                 ~~delinquency and juvenile crime.~~

1           ~~(B) An Alternative Sanctions Specialist, responsible for programs~~  
2           ~~providing alternatives to incarceration, including court diversion, probation,~~  
3           ~~reparative boards, and community justice programs.~~

4           ~~(2) The Specialists designated under subdivision (1) of this subsection~~  
5           ~~shall:~~

6           ~~(A) work with communities throughout the State, and analyze data~~  
7           ~~and results, to evaluate the efficiency and success of juvenile justice programs;~~

8           ~~(B) monitor the statewide and cross departmental consistency and~~  
9           ~~coordination of juvenile justice programs and the development of the~~  
10           ~~comprehensive system of juvenile justice required by this section; and~~

11           ~~(C) work in district offices with probation officers, case workers, and~~  
12           ~~other personnel of the Departments for Children and Families and of~~  
13           ~~Corrections to ensure that State juvenile justice programs and case plans are~~  
14           ~~administered in a manner consistent with the policies of this section and with~~  
15           ~~the statutes and rules pertaining to each specialty area.~~

16           ~~(e) The Agency of Human Services shall provide the Commission with~~  
17           ~~administrative support.~~

18           ~~(f) The Juvenile Justice Commission, the Children and Family Council for~~  
19           ~~Prevention Programs, and the Governor's Cabinet for Children and Youth shall~~  
20           ~~coordinate activities and, wherever possible, consolidate meetings to promote~~  
21           ~~effective and efficient uses of resources and to minimize duplication.~~

22           ~~(g) [Repealed.] [Repealed.]~~

1 Sec. 3. 33 V.S.A. § 104 is amended to read:

2 § 104. FUNCTION AND POWERS OF DEPARTMENT

3 \* \* \*

4 (c) The Department for Children and Families, in cooperation with the  
5 Department of Corrections, shall have the responsibility to administer a  
6 comprehensive program, ~~developed by the Commission on Juvenile Justice~~  
7 ~~established pursuant to 3 V.S.A. § 3085e~~, for youthful offenders and children  
8 who commit delinquent acts, including utilization of probation services; of a  
9 range of community-based and other treatment, training, and rehabilitation  
10 programs; and of secure detention and treatment programs when necessary in  
11 the interests of public safety, designed with the objective of preparing those  
12 children to live in their communities as productive and mature adults.

13 \* \* \* Repeal of Educational Opportunities Working Group \* \* \*

14 Sec. 4. REPEAL OF EDUCATIONAL OPPORTUNITIES WORKING  
15 GROUP

16 2012 Acts and Resolves No. 156, Sec. 31 (Educational Opportunities  
17 Working Group) is repealed.

18 \* \* \* Repeal of State Board of Education \* \* \*

19 Sec. 5. REPEAL OF STATE BOARD OF EDUCATION

20 The following are repealed on July 1, 2021:

21 (1) 16 V.S.A. § 161 (State Board of Education; appointment of  
22 members; term; vacancy);



1 case of any school accredited by a private, State, or regional agency recognized  
2 by the State Board for accrediting purposes.

3 \* \* \*

4 (8)(A) If an approved independent school experiences any of the  
5 following financial reporting events during the period of its approved status,  
6 the school shall notify the Secretary of Education within five days after its  
7 knowledge of the event unless the failure is de minimis:

8 \* \* \*

9 (B)(i) If the State Board reasonably believes that an approved  
10 independent school lacks financial capacity to meet its stated objectives during  
11 the period of its approved status, then the State Board shall notify the school in  
12 writing of the reasons for this belief and permit the school a reasonable  
13 opportunity to respond.

14 (ii) If the State Board, after having provided the school a  
15 reasonable opportunity to respond, does not find that the school has  
16 satisfactorily responded or demonstrated its financial capacity, the State Board  
17 may establish a review team, that, with the consent of the school, includes a  
18 ~~member representative of the Council of Independent Schools~~ independent  
19 schools appointed by the State Board, to:

20 (I) conduct a school visit to assess the school's financial  
21 capacity;



1           \* \* \* Revision of State Advisory Panel on Special Education \* \* \*

2           Sec. 7. 16 V.S.A. § 2945 is amended to read:

3           § 2945. STATE ADVISORY COUNCIL PANEL ON SPECIAL  
4                                   EDUCATION

5           ~~(a) There is created the Advisory Council on Special Education that shall~~  
6           ~~consist of 19 members. All members of the Council shall serve for a term of~~  
7           ~~three years or until their successors are appointed. Terms shall begin on April 1~~  
8           ~~of the year of appointment. A majority of the members shall be either~~  
9           ~~individuals with disabilities or parents of children with disabilities.~~

10           ~~(1) Seventeen of the members shall be appointed by the Governor with~~  
11           ~~the advice of the Secretary. Among the gubernatorial appointees shall be:~~

12                           ~~(A) teachers;~~

13                           ~~(B) representatives of State agencies involved in the financing or~~  
14           ~~delivery of related services to children with disabilities;~~

15                           ~~(C) a representative of independent schools;~~

16                           ~~(D) at least one representative of a vocational, community, or~~  
17           ~~business organization concerned with the provision of transition services to~~  
18           ~~children with disabilities;~~

19                           ~~(E) a representative from the State juvenile and adult corrections~~  
20           ~~agency;~~

21                           ~~(F) individuals with disabilities;~~

1           ~~(G) parents of children with disabilities, provided the child shall be~~  
2           ~~younger than 26 years old at the time his or her parent is appointed to the~~  
3           ~~Council;~~

4           ~~(H) State and local education officials, including officials who carry~~  
5           ~~out activities under the McKinney-Vento Homeless Assistance Act;~~

6           ~~(I) a representative of higher education who prepares special~~  
7           ~~education and related services personnel;~~

8           ~~(J) a representative from the State child welfare department~~  
9           ~~responsible for foster care;~~

10           ~~(K) special education administrators; and~~

11           ~~(L) two at large members.~~

12           ~~(2) In addition, two members of the General Assembly shall be~~  
13           ~~appointed, one from the House of Representatives and one from the Senate.~~  
14           ~~The Speaker shall appoint the House member and the Committee on~~  
15           ~~Committees shall appoint the Senate member.~~

16           ~~(b) The Council shall elect its own chair from among its membership. The~~  
17           ~~Council shall meet annually at the call of the Chair, and other meetings may be~~  
18           ~~called by the Chair at such times and places as he or she may determine to be~~  
19           ~~necessary.~~

20           ~~(c) The members of the Council who are employees of the State shall~~  
21           ~~receive no additional compensation for their services, but actual and necessary~~  
22           ~~expenses shall be allowed State employees, and shall be charged to their~~

1 ~~departments or institutions. The members of the Council who are not~~  
2 ~~employees of the State shall receive a per diem compensation as provided~~  
3 ~~under 32 V.S.A. § 1010 for each day of official business and reimbursement~~  
4 ~~for actual and necessary expenses at the rate allowed State employees.~~

5 ~~(d) The Council shall:~~

6 ~~(1) assume all responsibilities required of the State advisory panel by~~  
7 ~~federal law;~~

8 ~~(2) review periodically the rules, regulations, standards, and guidelines~~  
9 ~~pertaining to special education and recommend to the State Board any changes~~  
10 ~~it finds necessary;~~

11 ~~(3) comment on any new or revised rules, regulations, standards, and~~  
12 ~~guidelines proposed for issuance; and~~

13 ~~(4) advise the State Board in the development of any State plan for~~  
14 ~~provision of special education.~~

15 (a) The State Advisory Panel on Special Education (Panel) is created to  
16 provide guidance with respect to special education and related services for  
17 children with disabilities in the State. Members of the Panel shall be appointed  
18 by the Governor, with the advice of the Secretary of Education. The Panel  
19 shall perform the duties, and members of the Panel shall be appointed, in  
20 accordance with federal law. In addition to members appointed to the Panel to  
21 satisfy the requirements under federal law, the members of the Panel shall  
22 include a representative of each body designated by the State under federal law

1 as the Parent Training and Information Center and the Protection and  
2 Advocacy System. The total number of members on the Panel shall not exceed  
3 37 members.

4 (b) The Panel shall elect an executive committee from among its members.  
5 The executive committee shall be composed of seven members of the Panel,  
6 one of whom shall be the chair of the Panel. A majority of the members of the  
7 executive committee shall be individuals with disabilities or parents of children  
8 with disabilities (ages birth through 26 years of age). The executive committee  
9 shall call meetings of the Panel and shall direct the work of the Panel.

10 (c) The Panel shall advise both the Agency of Education and the State  
11 Board of Education on those matters upon which the Panel is required, under  
12 federal law, to advise the State Education Agency.

13 (d) Members of the Panel shall be entitled to per diem compensation and  
14 reimbursement of expenses as permitted under 32 V.S.A. § 1010.

15 Sec. 8. TRANSITION

16 (a) On or before August 1, 2020, members shall be appointed to the State  
17 Advisory Panel on Special Education under 16 V.S.A. § 2945 to ensure that  
18 the membership of the Panel complies with federal law, including the  
19 appointment of members who fulfill the requirement that a majority of the  
20 members be individuals with disabilities or parents of children with  
21 disabilities.



1 chronic care and prevention as described under this section. The Executive  
2 Committee shall include:

3 (i) the Commissioner of Health; the Commissioner of Mental  
4 Health;

5 (ii) a representative from the Green Mountain Care Board;

6 (iii) a representative from the Department of Vermont Health  
7 Access;

8 (iv) an individual appointed jointly by the President Pro Tempore  
9 of the Senate and the Speaker of the House of Representatives;

10 (v) a representative from the Vermont Medical Society;

11 (vi) a representative from the Vermont Nurse Practitioners  
12 Association;

13 (vii) a representative from a statewide quality assurance  
14 organization;

15 (viii) a representative from the Vermont Association of Hospitals  
16 and Health Systems;

17 (ix) two representatives of private health insurers;

18 (x) a consumer;

19 (xi) a representative of the complementary and alternative  
20 medicine professions;

21 (xii) a primary care professional serving low-income or uninsured  
22 Vermonters;

1                   (xiii) a licensed mental health professional with clinical  
2 experience in Vermont;

3                   (xiv) a representative of the Vermont Council of Developmental  
4 and Mental Health Services;

5                   (xv) a representative of the Vermont Assembly of Home Health  
6 Agencies who has clinical experience;

7                   (xvi) a representative from a self-insured employer who offers a  
8 health benefit plan to its employees; and

9                   (xvii) a representative of the State employees' health plan, who  
10 shall be designated by the Commissioner of Human Resources and who may  
11 be an employee of the third-party administrator contracting to provide services  
12 to the State employees' health plan.

13                   (B) The Executive Committee shall engage a broad range of health  
14 care professionals who provide health services ~~as defined under 8 V.S.A. §~~  
15 ~~4080f~~, health insurers, professional organizations, community and nonprofit  
16 groups, consumers, businesses, school districts, and State and local  
17 government in developing ~~and implementing a five-year strategic plan~~  
18 recommendations over time for modifications to statewide implementation of  
19 the Blueprint.

20                   (2)(A) ~~The Director shall convene an expansion design and evaluation~~  
21 ~~committee, which shall meet no fewer than six times annually, to recommend a~~  
22 ~~design plan, including modifications over time, for the statewide~~

1 ~~implementation of the Blueprint for Health and to recommend appropriate~~  
2 ~~methods to evaluate the Blueprint. This Committee shall be composed of the~~  
3 ~~members of the Executive Committee, representatives of participating health~~  
4 ~~insurers, representatives of participating medical homes and community health~~  
5 ~~teams, the Deputy Commissioner of Health Care Reform, a representative of~~  
6 ~~the Bi-State Primary Care Association, a representative of the University of~~  
7 ~~Vermont College of Medicine's Office of Primary Care, a representative of the~~  
8 ~~Vermont Information Technology Leaders, and consumer representatives. The~~  
9 ~~Committee shall comply with open meeting and public record requirements in~~  
10 ~~1 V.S.A. chapter 5. [Repealed.]~~

11 (B) The Director shall ~~also~~ convene a payer implementation work  
12 group, which shall meet no fewer than six times annually, to design the  
13 medical home and community health team enhanced payments, including  
14 modifications over time, and to make recommendations to the ~~expansion~~  
15 ~~design and evaluation committee described in subdivision (A) of this~~  
16 ~~subdivision (2) Executive Committee.~~ The work group shall include  
17 representatives of the participating health insurers, representatives of  
18 participating medical homes and community health teams, and the  
19 Commissioner of Vermont Health Access or designee. The work group shall  
20 comply with open meeting and public record requirements in 1 V.S.A.  
21 chapter 5.

22 \* \* \*

1 Sec. 10. 18 V.S.A. § 706 is amended to read:

2 § 706. HEALTH INSURER PARTICIPATION

3 \* \* \*

4 (c)(1) The Blueprint payment reform methodologies shall include per-  
5 person per-month payments to medical home practices by each health insurer  
6 and Medicaid for their attributed patients and for contributions to the shared  
7 costs of operating the community health teams. Per-person per-month  
8 payments to practices shall be based on the official National Committee for  
9 Quality Assurance's Physician Practice Connections-Patient Centered Medical  
10 Home (NCQA PPC-PCMH) score to the extent practicable and shall be in  
11 addition to their normal fee-for-service or other payments.

12 (2) Consistent with ~~the recommendation of the Blueprint expansion~~  
13 ~~design and evaluation committee~~ recommendations of the Blueprint Executive  
14 Committee, the Director of the Blueprint may recommend to the  
15 Commissioner of Vermont Health Access changes to the payment amounts or  
16 to the payment reform methodologies described in subdivision (1) of this  
17 subsection, including by providing for enhanced payment to health care  
18 professional practices ~~which~~ that operate as a medical home, including primary  
19 care naturopathic physicians' practices; payment toward the shared costs for  
20 community health teams; or other payment methodologies required by the  
21 Centers for Medicare and Medicaid Services (CMS) for participation by  
22 Medicaid or Medicare.

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\* \* \*

\* \* \* Repeal of Board of Mental Health \* \* \*

Sec. 11. 18 V.S.A. § 7101 is amended to read:

§ 7101. DEFINITIONS

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

(1) ~~“Board” means the Board of Mental Health. [Repealed.]~~

\* \* \*

Sec. 12. 18 V.S.A. chapter 175 is amended to read:

~~CHAPTER 175. THE BOARD OF MENTAL HEALTH [Repealed.]~~

~~§ 7301. CREATION~~

~~The State Board of Mental Health is created. It shall consist of seven persons, two of whom are physicians and one an attorney. A member may not be a trustee, officer, or employee of any institution for mental patients. Biennially the Governor shall appoint, with the advice and consent of the senate, two or three members for terms of six years in such manner that three terms expire in each third biennial year and two in other biennial years. The Board, with the advice of the Commissioner, shall make Department policy. Biennially or when a vacancy occurs the Board shall elect a Chair and a Secretary. [Repealed.]~~

1     § 7302. ~~SUBCOMMITTEE ON INSTITUTIONS~~

2           ~~The Board may delegate to a subcommittee on institutions, composed of~~  
3     ~~two doctors and a lawyer, its functions under sections 7305, 7306, and 7308-~~  
4     ~~7313 of this title; and the action of a majority of the subcommittee shall be that~~  
5     ~~of the Board. [Repealed.]~~

6     § 7303. REPEALED.

7     § 7304. ~~PERSONS NOT HOSPITALIZED~~

8           ~~The Board shall have general jurisdiction of persons with an intellectual~~  
9     ~~disability or mental illness who have been discharged from a hospital by~~  
10    ~~authority of the Board. It shall also have jurisdiction of persons with a mental~~  
11    ~~illness or intellectual disability of the State not hospitalized, so far as concerns~~  
12    ~~their physical and mental condition and their care, management, and medical~~  
13    ~~treatment and shall make such orders therein as each case duly brought to its~~  
14    ~~attention requires. [Repealed.]~~

15    § 7305. ~~POWERS OF BOARD~~

16           ~~The Board may administer oaths, summon witnesses before it in a case~~  
17    ~~under investigation, and discharge by its order, in writing, any person confined~~  
18    ~~as a patient in a hospital whom it finds on investigation to be wrongfully~~  
19    ~~hospitalized or in a condition to warrant discharge. The Board shall discharge~~  
20    ~~patients, not criminals, who have eloped from a hospital and have not been~~  
21    ~~apprehended at the expiration of six months from the time of their elopement.~~

1 ~~The Board shall not order the discharge of a patient without giving the~~  
2 ~~superintendent of the hospital an opportunity to be heard. [Repealed.]~~

3 §§ 7306-7308. REPEALED.

4 § 7309. REFERRALS FROM GOVERNOR

5 The Governor may refer the case of a patient in a hospital to the Board for  
6 its investigation. ~~The Board shall investigate the case and by its order grant~~  
7 ~~such relief as each case requires. If the Board is without power to grant the~~  
8 ~~necessary relief it shall cause proceedings to be commenced in a court of~~  
9 ~~competent jurisdiction at the expense of the State, in order to obtain the~~  
10 ~~necessary relief and promote the ends of justice and humanity. [Repealed.]~~

11 § 7310. PETITION FOR INQUIRY

12 The attorney or guardian of a patient or any other interested party may  
13 apply to the Board to inquire into the treatment and hospitalization of a patient,  
14 and the Board shall take appropriate action upon the application. [Repealed.]

15 § 7311. INVESTIGATION

16 If, in the judgment of the Board, an investigation is necessary, it shall  
17 appoint a time and place for hearing and give the patient's attorney, guardian,  
18 spouse, parent, adult child, or interested party, if any, in that order, and the  
19 head of the hospital reasonable notice thereof. ~~At the time appointed, it shall~~  
20 ~~conduct a hearing and make any lawful order the case requires. [Repealed.]~~

1       § 7312. ~~PENALTY; FAILURE TO OBEY SUMMONS~~

2           A person legally summoned as a witness before the Board on behalf of the  
3       State, or summoned by other parties with a tender of his or her fees, which  
4       shall be the same as those allowed witnesses in a Criminal Division of the  
5       Superior Court, who willfully and wrongfully refuses to attend or testify shall  
6       be imprisoned not more than six months or fined not more than \$100.00 nor  
7       less than \$10.00, or both. [Repealed.]

8       § 7313. ~~BOARD SHALL VISIT INSTITUTION~~

9           The Board shall ascertain by examination and inquiry whether the laws  
10       relating to individuals in custody or control are properly observed and may use  
11       all necessary means to collect all desired information. It shall carefully inspect  
12       every part of the hospital or training school visited with reference to its  
13       cleanliness and sanitary condition, determine the number of patients or  
14       students in seclusion or restraint, the diet of the patients or students, and any  
15       other matters which it considers material. It shall offer to every patient or  
16       student an opportunity for an interview with its visiting members or agents,  
17       and shall investigate those cases which in its judgment require special  
18       investigation, and particularly shall ascertain whether any individuals are  
19       retained at any hospital or training school who ought to be discharged.

20       [Repealed.]

1     § 7314. ~~RECIPROCAL AGREEMENTS~~

2           ~~The Board may enter into reciprocal agreements with corresponding state~~  
3     ~~agencies of other states regarding the interstate transportation or transfer of~~  
4     ~~persons with a psychiatric or intellectual disability and arrange with the proper~~  
5     ~~officials in this State for the acceptance, transfer, and support of residents of~~  
6     ~~this State who are temporarily detained or receiving care in public institutions~~  
7     ~~of other states in accordance with the terms of such agreements. [Repealed.]~~

8     § 7315. ~~DEFINITION~~

9           ~~As used in this chapter, the term “hospital” shall include a secure residential~~  
10    ~~recovery facility as defined in subsection 7620(e) of this title. [Repealed.]~~

11    Sec. 13. 18 V.S.A. § 8404 is amended to read:

12    § 8404. ~~CONDITIONAL DISCHARGE~~

13           ~~The Board of Mental Health, in its discretion, may grant a conditional~~  
14    ~~discharge to a patient admitted under this chapter after the expiration of one~~  
15    ~~month from the date of admission and may revoke any conditional discharge~~  
16    ~~so granted. A revocation of a conditional discharge by the Board of Mental~~  
17    ~~Health at any time prior to the expiration of the original term of hospitalization~~  
18    ~~shall be sufficient warrant for the return of the patient to the hospital from~~  
19    ~~which he or she was discharged, there to remain until a subsequent conditional~~  
20    ~~discharge or the expiration of the full term from the date of the original~~  
21    ~~admission. [Repealed.]~~



1 Sec. 16. 32 V.S.A. § 1010 is amended to read:

2 § 1010. MEMBERS OF CERTAIN BOARDS

3 (a) Except for those members serving ex officio or otherwise regularly  
4 employed by the State, the members of the following boards shall be entitled to  
5 receive \$50.00 in per diem compensation:

6 \* \* \*

7 (10) ~~State Board of Mental Health~~ [Repealed.]

8 \* \* \*

9 \* \* \* Repeal of Offender Work Programs Board \* \* \*

10 Sec. 17. 28 V.S.A. § 761 is amended to read:

11 § 761. OFFENDER WORK PROGRAMS ~~BOARD~~ EXPANSION

12 ~~(a) Offender Work Programs Board established. An Offender Work~~  
13 ~~Programs Board is established for the purpose of advising the Commissioner~~  
14 ~~on the use of offender labor for the public good. The Board shall base its~~  
15 ~~considerations and recommendations to the Commissioner on a review of plans~~  
16 ~~for offender work programs pursuant to subsection (b) of this section, and on~~  
17 ~~other information as it deems appropriate.~~

18 ~~(1) The Board shall consist of nine members, each appointed by the~~  
19 ~~Governor for a three year term or until a successor is appointed, as follows:~~

20 ~~(A) four representatives of customers of the products and services of~~  
21 ~~offender work programs, two of whom shall represent public sector customers,~~  
22 ~~and two of whom shall represent private nonprofit organization customers;~~

1           ~~(B) three representatives of private business organizations;~~

2           ~~(C) one representative of labor or labor organizations; and~~

3           ~~(D) one at large member.~~

4           ~~(2) The Governor shall appoint a Chair and Vice Chair, each of whom~~  
5 ~~shall serve for one year or until a successor is appointed.~~

6           ~~(3) [Repealed.]~~

7           ~~(4) The Board may, with the Commissioner's approval of funds, hire by~~  
8 ~~contract such persons the Board deems necessary to provide it with~~  
9 ~~administrative and staff support.~~

10           ~~(5) All Board members shall be reimbursed from the special fund~~  
11 ~~established by section 752 of this title for per diem and expenses incurred in~~  
12 ~~the performance of their duties pursuant to 32 V.S.A. § 1010.~~

13           ~~(b) Review of the annual report and two-year plan. In reviewing the annual~~  
14 ~~report and two-year plan submitted by the Director of Offender Work~~  
15 ~~Programs as required by subsection 751b(f) of this title, and forming its~~  
16 ~~recommendations concerning them to the Commissioner, the Board shall:~~

17           ~~(1) Assure itself that the plan is informed by thorough and accurate~~  
18 ~~analysis of private business activity in the specific market segments concerned,~~  
19 ~~for which purpose the Board may, with the Commissioner's approval of funds,~~  
20 ~~hire by contract such persons the Board deems necessary to assist it in~~  
21 ~~analyzing the plan. The Board shall also conduct public hearings to hear from~~

1 ~~members of the public or from potentially affected private businesses and labor~~  
2 ~~groups.~~

3 ~~(2) [Repealed.]~~

4 ~~(3) Make publicly known and available its recommendations for~~  
5 ~~offender work programs operations.~~

6 ~~(e) Offender work programs expansion.~~ The Vermont Correctional  
7 Industries component of the offender work programs shall not expand into an  
8 existing market until the Commissioner has ~~done all of the following:~~

9 ~~(1) Evaluated~~ evaluated the impact of expansion on private sector  
10 business.

11 ~~(2) Notified the Offender Work Programs Board of the proposal.~~

12 ~~(3) Obtained the Board's written suggestions, comments and~~  
13 ~~recommendations concerning the proposal. Five members of the Board at a~~  
14 ~~scheduled and warned Board meeting may vote to disapprove any proposed~~  
15 ~~expansion not involving the provisions of the federally authorized Prison~~  
16 ~~Industries Enhancement Program, and such vote shall be binding on the~~  
17 ~~Department.~~

1 Sec. 18. 28 V.S.A. § 751b is amended to read:

2 § 751b. GENERAL PROVISIONS GOVERNING OFFENDER WORK

3 \* \* \*

4 (b) ~~No~~ An offender shall not be required to engage in unreasonable labor;  
5 ~~and no offender shall be required~~ or to perform any work for which he or she is  
6 declared unfit by a physician employed or retained by the Department.

7 \* \* \*

8 (d) The labor, work product, or time of an offender may be sold,  
9 contracted, or hired out by the State only:

10 \* \* \*

11 (2) To any state or political subdivision of a state, or to any nonprofit  
12 organization that is exempt from federal or state income taxation, subject to  
13 federal law, to the laws of the recipient state and to the rules of the  
14 Department. ~~Five members of the Offender Work Programs Board at a~~  
15 ~~scheduled and warned Board meeting may vote to disapprove any future sales~~  
16 ~~of offender produced goods or services to any nonprofit organization and such~~  
17 ~~vote shall be binding on the Department.~~

18 (3) To any private person or enterprise not involving the provision of the  
19 federally authorized Prison Industries Enhancement Program, provided that the  
20 ~~Offender Work Programs Board~~ Commissioner or designee shall first  
21 determine that the offender work product in question is not otherwise produced  
22 or available within the State. ~~Five members of the such Board at a scheduled~~

1 ~~and warned Board meeting may vote to disapprove any future sales of offender~~  
2 ~~produced goods or services to any person or entity not involving the provisions~~  
3 ~~of the federally authorized Prison Industries Enhancement Program and such~~  
4 ~~vote shall be binding on the Department.~~

5 \* \* \*

6 (g) ~~Assembled products shall not be sold to any person, enterprise, or entity~~  
7 ~~unless the Offender Work Programs Board has first reviewed any such~~  
8 ~~proposed sale, and five members of the Board have voted in favor of the~~  
9 ~~proposal at a scheduled and warned meeting of the Board. [Repealed.]~~

10 \* \* \*

11 Sec. 19. 28 V.S.A. § 752 is amended to read:

12 § 752. OFFENDER WORK PROGRAMS SPECIAL FUND

13 (a) An Offender Work Programs Special Fund shall be maintained for the  
14 purpose of carrying out the provisions of section 751b of this title, which Fund  
15 shall include any appropriations made from time to time by the ~~State~~  
16 ~~Legislature~~ General Assembly and any sums obtained from the sale of goods  
17 and services produced by offenders pursuant to section 751b of this title. The  
18 Special Fund shall be managed pursuant to 32 V.S.A. chapter 7, subchapter 5.

19 (b) Any expenses incurred by offender work programs ~~and the Offender~~  
20 ~~Work Programs Board~~ shall be defrayed by this Fund.

21 \* \* \*

1 Sec. 20. 32 V.S.A. § 1010 is amended to read:

2 § 1010. MEMBERS OF CERTAIN BOARDS

3 (a) Except for those members serving ex officio or otherwise regularly  
4 employed by the State, the members of the following boards shall be entitled to  
5 receive \$50.00 in per diem compensation:

6 \* \* \*

7 (18) ~~Offender Work Programs Board~~ [Repealed.]

8 \* \* \*

9 \* \* \* Revision of Public Utility Commission Reappointment Process \* \* \*

10 Sec. 21. 30 V.S.A. § 3 is amended to read:

11 § 3. PUBLIC UTILITY COMMISSION

12 (a) The Vermont Public Utility Commission shall consist of a chair and two  
13 members. The Chair and each member shall not be required to be admitted to  
14 the practice of law in this State.

15 (b) The Chair shall be nominated, appointed, and confirmed in the manner  
16 of a Superior judge.

17 (c) Members of the Commission other than the Chair shall be appointed in  
18 accordance with this subsection. Whenever a vacancy occurs, public  
19 announcement of the vacancy shall be made. The Governor shall submit at  
20 least five names of potential nominees to the Judicial Nominating Board for  
21 review. The Judicial Nominating Board shall review the candidates in respect  
22 to judicial criteria and standards only and shall recommend to the Governor

1 those candidates the Board considers qualified. The Governor shall make the  
2 appointment from the list of qualified candidates. The appointment shall be  
3 subject to the advice and consent of the Senate.

4 (d)(1) The term of each member shall be six years.

5 (2) Any appointment to fill a vacancy shall be for the unexpired portion  
6 of the term vacated.

7 (3)(A) A ~~member~~ chair wishing to succeed himself or herself in office  
8 may seek reappointment under the terms of subsection (b) of this section.

9 (B) The Governor may reappoint a member of the Commission other  
10 than the Chair at the expiration of that member's term, subject to the advice  
11 and consent of the Senate.

12 \* \* \*

13 \* \* \* Merger of Equipment Distribution Program Advisory Council and  
14 Telecommunications Relay Service Advisory Council \* \* \*

15 Sec. 22. 30 V.S.A. § 218a is amended to read:

16 § 218a. PERMANENT TELECOMMUNICATIONS RELAY SERVICE

17 (a)(1) The Department of Public Service shall develop the necessary  
18 standards for the establishment of a permanent, statewide telecommunications  
19 relay service and for an associated equipment program.

20 (2) The standards developed by the Department shall be equal to or  
21 exceed those standards mandated by the Americans With Disabilities Act of  
22 1990 (Public Law 101-336, 104 Stat. 327 (1990)) and expressly require that

1 the designated provider of Vermont's telecommunications relay services  
2 comply, as expeditiously as possible, with any additional federal regulations  
3 ~~which~~ that may be promulgated by the Federal Communications Commission  
4 in accordance with the provisions of this section.

5 \* \* \*

6 (d)(1) The Department of Public Service shall establish the Vermont  
7 Telecommunications Relay Service Advisory Council composed of the  
8 following members: one representative of the Department of Public Service  
9 designated by the Commissioner of Public Service; one representative of the  
10 Department of Disabilities, Aging, and Independent Living; two  
11 representatives of the deaf community; one member of the community of  
12 people who are hard of hearing or have a speech limitation; one representative  
13 of a company providing local exchange service within the State; and one  
14 representative of an organization currently providing telecommunications relay  
15 services.

16 (2)(A) The Council shall elect from among its members a chair and vice  
17 chair. Meetings shall be convened at the call of the Chair or a majority of the  
18 members of the Council. The Council shall meet not more than six times a  
19 year.

20 (B) The members of the Council who are not officers or employees  
21 of the State shall receive per diem compensation and expense reimbursement  
22 in amounts authorized by 32 V.S.A. § 1010(b). The costs of the compensation

1 and reimbursement and any other necessary administrative costs shall be  
2 included within the contract entered into under subsection (c) of this section.

3 (3) The Council shall advise the Department of Public Service and the  
4 contractor for telecommunications relay services on all matters concerning the  
5 implementation and administration of the State's telecommunications relay  
6 service, including the telecommunications equipment grant program  
7 established pursuant to subsection (e) of this section.

8 (e)(1) The Department shall propose and the Commission shall establish by  
9 rule or order a telecommunications equipment grant program to assist persons  
10 who are deaf, deaf-blind, hard of hearing, have a speech limitation, and  
11 persons with physical disabilities that limit their ability to use standard  
12 telephone equipment to communicate by telephone.

13 (2) Pursuant to this program, a person who is deaf, deaf-blind, hard of  
14 hearing, has a speech limitation, or a person with a physical disability that  
15 limits his or her ability to use standard telephone equipment whose modified  
16 adjusted gross income as defined in 32 V.S.A. § 5829(b)(1) for the preceding  
17 taxable year was less than 200 percent of the official poverty line established  
18 by the U.S. Department of Health and Human Services for a family of six or  
19 the actual number in the family, whichever is greater, published as of  
20 October 1 of the preceding taxable year, may be eligible for a benefit toward  
21 the purchase, upgrade, or repair of equipment used to access the relay service

1 or otherwise communicate by telephone. The total benefits allocable under  
2 this ~~section~~ subsection shall not exceed \$75,000.00 per year.

3 (3) In adopting rules, the Commission shall consider the following:

4 (1)(A) prior benefits;

5 (2)(B) degree of functional need;

6 (3)(C) income;

7 (4)(D) number of applicants;

8 (5)(E) disposition of equipment upon change of residence; and

9 (6)(F) appropriate limits on per person benefit levels based on the  
10 equipment needed and the income level of the applicant.

11 \* \* \*

12 \* \* \* Repeal of Racing Commission \* \* \*

13 Sec. 23. 31 V.S.A. chapter 13 is amended to read:

14 CHAPTER 13. ~~HORSE RACING~~ [Repealed.]

15 § 601. ~~CONSTRUCTION AND PURPOSE~~

16 ~~This chapter is based upon the taxing power and the police power of the~~  
17 ~~State and provides for the establishment, licensing, regulation, and control of~~  
18 ~~the pari-mutuel system of wagering on horse races, and is for the protection of~~  
19 ~~the public welfare and good order of the people of the State, the support and~~  
20 ~~encouragement of agricultural fairs, and the improvement of the breeding of~~  
21 ~~horses in Vermont. [Repealed.]~~

1       § 602. ~~RACING COMMISSION~~

2           ~~(a) There is hereby created a Racing Commission consisting of three~~  
3 ~~persons. Upon passage of this chapter, the Governor shall appoint, with the~~  
4 ~~advice and consent of the Senate, three members of the Commission, not more~~  
5 ~~than two members of which shall belong to the same political party, and one~~  
6 ~~member to be an official of an agricultural fair, one to hold office until~~  
7 ~~February 1, 1961, one to hold office until February 1, 1963, and one to hold~~  
8 ~~office until February 1, 1965.~~

9           ~~(b) The Governor shall biennially, with the advice and consent of the~~  
10 ~~Senate, appoint a person as a member of the Commission for the term of six~~  
11 ~~years, commencing February 1 of the year in which the appointment is made.~~  
12 ~~The Governor biennially shall designate a member of the Commission to be its~~  
13 ~~chair.~~

14           ~~(c) Each member of the Commission shall receive \$15.00 a day and~~  
15 ~~expenses for time actually spent in the performance of the duties of his or her~~  
16 ~~office. No member of the Commission shall have any pecuniary interest in any~~  
17 ~~racing or in the sale of pari-mutuel pools, nor shall any official employees,~~  
18 ~~secretary, deputy, officer, representative employee, or counsel participate in~~  
19 ~~any pari-mutuel pool. [Repealed.]~~

20       § 603. ~~ASSISTANTS AND EMPLOYEES, DUTIES~~

21           ~~The Commission may employ such assistants and employees as it may~~  
22 ~~consider necessary to carry out the provisions of this chapter, fix their~~

1 ~~compensation, and specify the duties to be performed by them. However, the~~  
2 ~~Commission shall not appoint to any position under its jurisdiction any~~  
3 ~~member of the General Assembly, while the General Assembly is in session.~~

4 [Repealed.]

5 § 604. SEMIANNUAL MEETINGS

6 ~~The Racing Commission shall hold semiannual meetings upon 15 days'~~  
7 ~~notice in two newspapers which combined have a general circulation~~  
8 ~~throughout the State. The Commission may hold other meetings at such times~~  
9 ~~and places as it determines upon reasonable public notice. All meetings shall~~  
10 ~~be open to the public as provided in 1 V.S.A. sections 311-314. [Repealed.]~~

11 § 605. RULES

12 ~~The Commission shall make rules for the holding, conducting, operating,~~  
13 ~~and simulcasting of all running or harness horse or harness pony races or meets~~  
14 ~~at which pari-mutuel pools are sold pursuant to the provisions of this chapter,~~  
15 ~~and shall cause to be fingerprinted, under the direction of the Department of~~  
16 ~~Public Safety, any and all persons working at or in connection with the~~  
17 ~~operation of such horse races, or meets, including grooms, jockeys, and~~  
18 ~~drivers. [Repealed.]~~

19 § 605a. LICENSES; REGISTRATIONS

20 ~~The following applicable licenses and registrations shall be required by the~~  
21 ~~Commission from all persons participating in racing on the grounds of an~~  
22 ~~association.~~

1 ~~Owner, Harness \$ 10.00 Trainer Driver, Harness 10.00 Owner and Colors,~~  
2 ~~Thoroughbred 6.00 Colors (Annual) 1.00 Colors (Life) 25.00 Trainer,~~  
3 ~~Thoroughbred 5.00 Authorized Agent 5.00 Trainer, Substitute No Fee~~  
4 ~~Partnership, Thoroughbred 5.00 Stable Name 10.00 Jockey 5.00 Jockey Agent~~  
5 ~~(Each Jockey) 5.00 Jockey, Apprentice 5.00 Jockey, Apprentice Contract No~~  
6 ~~Fee Stable Employees 5.00 Valet, Blacksmith, Outrider, Vendor, Supplier,~~  
7 ~~Track Services 10.00 Veterinarian 10.00 Officials—Association~~  
8 ~~(Administrative, Supervisory, and Security); Concessionaire, Racing;~~  
9 ~~Specialized Services and Staff 10.00 Employees, Pari Mutuel 5.00 Employees,~~  
10 ~~Association—Concession 5.00 Substitute License Fee as indicated Duplicate~~  
11 ~~License 2.00~~

12 ~~The fee shall be paid at the time of filing of the application. No application~~  
13 ~~for an occupational license shall be accepted unless accompanied by such~~  
14 ~~necessary fee. An amateur is required to take out a certificate. [Repealed.]~~

15 § 606. HEARINGS

16 ~~(a) The Commission may conduct hearings at which all matters pertaining~~  
17 ~~to the administration of the affairs of the Commission and all activities~~  
18 ~~conducted under its jurisdiction may be investigated and determined. By its~~  
19 ~~chair, it may issue subpoenas for the attendance of witnesses at its hearings.~~  
20 ~~Any member of the Commission may administer oaths and affirmations and~~  
21 ~~may examine witnesses.~~

1       ~~(b) A person who disobeys a subpoena of the Commission, gives false~~  
2       ~~testimony, or presents false evidence to the Commission shall be penalized~~  
3       ~~according to law.~~

4       ~~(c) The Commission may investigate as to the ownership and control, direct~~  
5       ~~or indirect, of any licensee. Any expense incurred by the Commission in so~~  
6       ~~investigating shall be at the expense of the licensee or applicant for a license.~~

7       ~~[Repealed.]~~

8       ~~§ 607. LICENSES REQUIRED; SUNDAY RACING~~

9       ~~No person, association, or corporation shall conduct, hold, or operate any~~  
10       ~~running or harness race or meet at which pari-mutuel pools are sold without~~  
11       ~~license from the Commission. No pari-mutuel running or harness race shall be~~  
12       ~~held on Sunday between the hours of 12:00 midnight and 1:00 p.m. The~~  
13       ~~Commission shall not issue a license for holding a race meet on Sunday in any~~  
14       ~~town until the town has approved the issuance of said license by majority vote~~  
15       ~~of those present and voting at a duly warned annual or special town meeting.~~

16       ~~[Repealed.]~~

17       ~~§ 608. APPLICATION; BOND~~

18       ~~Fair associations or corporations that now conduct annual agricultural fairs~~  
19       ~~in Vermont, or Vermont corporations that wish to conduct extended race~~  
20       ~~meetings, with a percentage designated for the benefit of the Racing Special~~  
21       ~~Fund established pursuant to section 630 of this title, shall be eligible to apply~~  
22       ~~for a license. An eligible association or corporation desiring to hold a running~~

1 ~~or harness horse race or meet for public exhibition at which pari-mutuel pools~~  
2 ~~are to be sold, shall apply to the Commission to do so. Every fair association or~~  
3 ~~corporation conducting horse racing or meets at which pari-mutuel pools are to~~  
4 ~~be sold under license from the Commission shall give a bond in a sum not to~~  
5 ~~exceed \$75,000.00 as shall be determined by the Commission, with good and~~  
6 ~~sufficient surety or sureties, conditioned upon the faithful performance of its~~  
7 ~~duties and obligations to the State of Vermont as prescribed by this chapter.~~

8 [Repealed.]

9 § 609. FORMS; FEES

10 ~~Applications for licenses shall be filed upon forms prescribed by the~~  
11 ~~Commission and shall be accompanied by the required license fee. The fee for~~  
12 ~~such license shall be \$20.00 for each period of six days or fraction thereof. The~~  
13 ~~application shall be signed and sworn to by the person or the executive officer~~  
14 ~~of the association or corporation and shall contain the following information:~~

15 ~~(1) The full name and address of the person, association, or corporation.~~

16 ~~(2) If an association, the names and residences of the members of the~~  
17 ~~association.~~

18 ~~(3) If a corporation, the name of the state under which it is incorporated~~  
19 ~~with its principal place of business and the names and addresses of its directors~~  
20 ~~and stockholders.~~

21 ~~(4) The exact location where it is desired to conduct or hold races or~~  
22 ~~race meets.~~

1           ~~(5) Whether or not the racing plant is owned or leased, and if leased, the~~  
2           ~~name and residence of the fee owner, or if a corporation, of the directors and~~  
3           ~~stockholders thereof.~~

4           ~~(6) A statement of the assets and liabilities of the person, association, or~~  
5           ~~corporation making the application.~~

6           ~~(7) Such other information as the Commission may require but not~~  
7           ~~limited in character or detail by subdivisions (1) through (6) of this section.~~

8           ~~[Repealed.]~~

9           ~~§ 610. ISSUANCE, CONTENTS; REVOCATION~~

10          ~~(a) If the Commission is satisfied that all the provisions of this chapter and~~  
11          ~~the rules prescribed have been and will be complied with by the applicant, it~~  
12          ~~may issue a license that shall expire on December 31. The license shall set~~  
13          ~~forth the name of the licensee, the place where the races or race meets are to be~~  
14          ~~held, and the time and number of days during which racing may be conducted~~  
15          ~~by the licensee. It shall not be transferable or assignable.~~

16          ~~(b) The Commission may revoke any license for good cause after~~  
17          ~~reasonable notice and hearing. The license of any corporation shall~~  
18          ~~automatically cease upon the change in ownership, legal or equitable, of 50~~  
19          ~~percent or more of the voting stock of the corporation, and the corporation~~  
20          ~~shall not hold a running or harness horse race or meet for a public exhibition~~  
21          ~~without a new license.~~

1       ~~(e) The Commission may at any time for cause require the removal of any~~  
2       ~~employee or official employed by a licensee. Failure to remove an employee or~~  
3       ~~official when so required shall constitute cause for revoking the license of the~~  
4       ~~employer. [Repealed.]~~

5       § 611. ~~PERMITTED USE OF CERTAIN PHARMACEUTICALS~~

6       ~~Under rules adopted by the Commission under section 605 of this title, the~~  
7       ~~diuretic drug “lasix” and the anti-inflammatory drug “butazolidine” may be~~  
8       ~~administered to horses competing in horse racing authorized and regulated~~  
9       ~~under this chapter. [Repealed.]~~

10       § 612. ~~AUDITS~~

11       ~~The Commission shall procure an audit report of the activities of each track~~  
12       ~~for every calendar year by the 1st day of February following, prepared by a~~  
13       ~~firm of certified public accountants which is not employed by the licensee.~~  
14       ~~[Repealed.]~~

15       § 613. ~~MINORS~~

16       ~~No minor, whether attending a race or employed on or about the fair~~  
17       ~~grounds or track, shall be permitted to participate in any pari-mutuel pools or~~  
18       ~~be admitted to any pari-mutuel enclosure. [Repealed.]~~

19       § 614. ~~PENALTY~~

20       ~~(a) Any person, association, or corporation holding, conducting, or~~  
21       ~~simulcasting a pari-mutuel horse race or aiding or abetting same, without a~~  
22       ~~license from the Commission, shall be fined not more than \$1,000.00 or~~

1 ~~imprisoned not more than one year, or both. Any person, association, or~~  
2 ~~corporation violating any rules or regulations of the Commission shall be fined~~  
3 ~~not more than \$500.00 or imprisoned not more than six months, or both.~~

4 ~~(b) No person shall hold, conduct, operate, or simulcast a pari-mutuel dog~~  
5 ~~race for public exhibition. Any person violating this subsection shall be fined~~  
6 ~~not more than \$1,000.00 or imprisoned not more than one year, or both.~~

7 [Repealed.]

8 § 615. PARI-MUTUEL POOLS

9 ~~(a) Within the enclosure of any race track where is held a race or race meet~~  
10 ~~licensed and conducted under this chapter, and within the enclosure of any~~  
11 ~~place wherein a licensee licensed under this chapter to hold and conduct races~~  
12 ~~or race meets is authorized by the Commission to simulcast races or race~~  
13 ~~meets, but not elsewhere, the sale of pari-mutuel pools by the licensee is~~  
14 ~~permitted and authorized under such regulations as may be prescribed by the~~  
15 ~~Commission. Commissions on the flat racing pool shall not exceed 18 percent~~  
16 ~~of each dollar wagered except commissions on the flat racing pool from racing~~  
17 ~~conducted on Sundays shall not exceed 19 percent of each dollar wagered.~~  
18 ~~Except for State agricultural fair associations, commissions on the harness~~  
19 ~~racing pools shall not exceed 19 percent of each dollar wagered except~~  
20 ~~commissions on the harness racing pools from racing conducted on Sundays~~  
21 ~~shall not exceed 20 percent of each dollar wagered and commissions on each~~  
22 ~~harness racing trifecta pool shall not exceed 25 percent. For State agricultural~~

1 ~~fair associations, commissions on the harness racing pools shall not exceed 20~~  
2 ~~percent of each dollar wagered on win, place, and show wagering and~~  
3 ~~commissions on all other forms of wagering shall not exceed 25 percent.~~  
4 ~~Commissions on the simulcast racing pools shall not exceed 20 percent of each~~  
5 ~~dollar wagered on win, place, and show wagering and shall not exceed 25~~  
6 ~~percent of each dollar wagered on all other forms of wagering from racing or~~  
7 ~~simulcasting conducted on all days.~~

8 ~~(b) The odd cents of all redistribution to be based on each dollar wagered~~  
9 ~~exceeding a sum equal to the next lowest multiple of 10, known as "breakage,"~~  
10 ~~shall be paid from all flat, harness, and simulcast racing to the licensee.~~

11 ~~(c) From the pari-mutuel pool, the Racing Commission established~~  
12 ~~pursuant to section 602 of this title shall receive the applicable percentage as~~  
13 ~~set forth in this subsection and the licensee shall retain the balance of the pari-~~  
14 ~~mutuel pool commission:~~

15 ~~(1) From harness racing, on the total wagered each race day conducted~~  
16 ~~Monday through Saturday:~~

17 ~~3% on the first \$150,000.00 plus~~

18 ~~4% on the amount \$150,000.00-\$200,000.00 plus~~

19 ~~5% on the amount \$200,000.00-\$250,000.00 plus~~

20 ~~6% on the amount \$250,000.00-\$300,000.00 plus~~

21 ~~7% on the amount \$300,000.00-\$350,000.00 plus~~

22 ~~8% on all over \$350,000.00~~

1           ~~(2) From flat racing, five and one half percent on the total wagered each~~  
2           ~~race day conducted Monday through Saturday. From simulcast racing, on the~~  
3           ~~total wagered each race day:~~

- 4           ~~2% on the first \$50,000.00 plus~~
- 5           ~~2.5% on the amount \$50,000.00 \$100,000.00 plus~~
- 6           ~~3% on the amount \$100,000.00 \$150,000.00 plus~~
- 7           ~~4% on the amount \$150,000.00 \$200,000.00 plus~~
- 8           ~~5% on the amount \$200,000.00 \$250,000.00 plus~~
- 9           ~~6% on the amount \$250,000.00 \$300,000.00 plus~~
- 10          ~~7% on the amount \$300,000.00 \$350,000.00 plus~~
- 11          ~~8% on all over \$350,000.00~~

12          ~~(3) From harness racing, on the total wagered each race day conducted~~  
13          ~~on Sunday:~~

- 14          ~~4% on the first \$150,000.00 plus~~
- 15          ~~5% on the amount \$150,000.00 \$200,000.00 plus~~
- 16          ~~6% on the amount \$200,000.00 \$250,000.00 plus~~
- 17          ~~7% on the amount \$250,000.00 \$300,000.00 plus~~
- 18          ~~8% on the amount over \$300,000.00~~

19          ~~(4) From flat racing, six and one half percent on the total wagered each~~  
20          ~~race day conducted on Sunday. From simulcast racing, in addition to the~~  
21          ~~percentages of the total wagered as provided above, on the total wagered on all~~

1 ~~days on all forms of wagering other than win, place, and show wagering: on~~  
2 ~~and after May 30, 1986.~~

3 ~~(5) During any calendar year, the number of programs which the~~  
4 ~~licensee is licensed by the Commission to conduct shall determine the amount~~  
5 ~~of the payments to be made under this section to the Racing Commission~~  
6 ~~established pursuant to section 602 of this title. If, in any year, the licensee~~  
7 ~~fails to conduct the full number of licensed programs, any payment shortage~~  
8 ~~shall be reimbursed immediately as due. The Commission has the duty and~~  
9 ~~authority to make prompt orders, as necessary, to assure reimbursement. The~~  
10 ~~funds received by the Racing Commission shall be managed pursuant to~~  
11 ~~section 630 of this title and shall be available to the Racing Commission to~~  
12 ~~offset the costs of providing its services.~~

13 ~~(d) [Repealed.] [Repealed.]~~

14 § 616. PAYMENT

15 ~~Payment under section 615 of this title shall be made to the Commission not~~  
16 ~~later than seven days after each race and shall be accompanied by a report~~  
17 ~~under oath showing the total of all the contributions to pari-mutuel pools~~  
18 ~~covered by the report and such other information as the Commission may~~  
19 ~~require. [Repealed.]~~

1 § 617. REPEALED.

2 § 618. ~~UNCLAIMED TICKET MONEY~~

3 ~~On or before the first Monday in December of each year every person,~~  
4 ~~association, or corporation conducting or simulcasting a race or race meet~~  
5 ~~hereunder shall pay to the State Treasurer all monies collected during the year~~  
6 ~~for pari-mutuel tickets which have not been redeemed. The monies shall be~~  
7 ~~retained by the State Treasurer and he or she shall pay the amount due on any~~  
8 ~~ticket to the holder thereof upon an order from the Commission. After the~~  
9 ~~expiration of two years any such monies still in the custody of the State~~  
10 ~~Treasurer shall become a part of the Racing Special Fund of the State.~~

11 [Repealed.]

12 § 619. ~~PARI-MUTUEL EMPLOYEES~~

13 ~~All pari-mutuel concessions shall employ at least 85 percent Vermont~~  
14 ~~residents unless special permission is granted by the Commission but in no~~  
15 ~~event shall they employ persons who at the time of employment are duly~~  
16 ~~elected members of the Vermont General Assembly. [Repealed.]~~

17 § 620. ~~POLICE PROTECTION~~

18 ~~Every licensee shall maintain adequate police protection as may be~~  
19 ~~determined by or as may be assigned to the licensee from the Vermont State~~  
20 ~~Police by the Commissioner of Public Safety of the State of Vermont, within~~  
21 ~~the grounds or pari-mutuel enclosure and public highways adjacent to the~~  
22 ~~location of such track. Expenses for such designated police protection shall be~~

1 ~~borne by the licensee. The Department of Public Safety shall have authority to~~  
2 ~~expend its own funds for the purpose of paying Vermont State Police to~~  
3 ~~maintain the aforesaid adequate police protection, but any funds expended by~~  
4 ~~the Department of Public Safety for the assignment and use of Vermont State~~  
5 ~~Police to maintain adequate police protection shall be reimbursed to the~~  
6 ~~Department by the licensee. Charges collected under this section shall be~~  
7 ~~credited to a special fund and shall be available to the Department of Public~~  
8 ~~Safety to offset the cost of providing the services. [Repealed.]~~

9 § 621. ~~BREEDING OF HORSES~~

10 ~~The Commission shall encourage and promote the improvement of the~~  
11 ~~breeding of horses in Vermont. It may accept donations of thoroughbred,~~  
12 ~~standard bred, or other well-bred stallions by licensees or others to the State~~  
13 ~~for this purpose. It may cooperate with the University of Vermont in furthering~~  
14 ~~this program. [Repealed.]~~

15 § 621a. REPEALED.

16 § 622. ~~TOWN VOTE; APPROVAL, REVOCATION~~

17 ~~(a) A license shall not be issued by the Commission under this chapter for~~  
18 ~~holding a race meet in any town until the town, at an annual or special meeting~~  
19 ~~called for the purpose, has, by majority vote of those present and voting,~~  
20 ~~approved the issuance of licenses under this chapter in the town.~~

21 ~~(b) Upon petition by 25 percent of the voters of a town in which racing is~~  
22 ~~or may be conducted under license of the Commission, alleging cause for~~

1 ~~suspension of a license, the Commission may suspend the license for the~~  
2 ~~holding of races or meets pending hearing on the petition. If upon hearing it~~  
3 ~~finds cause exists, it shall suspend the license for a period not to exceed one~~  
4 ~~year. Repealed.~~

5 § 623. RACING DATES

6 ~~The Racing Commission shall be responsible for all racing dates but shall~~  
7 ~~not assign dates for race meets at which pari-mutuel wagering is conducted at~~  
8 ~~the same time as an agricultural fair at which horse racing was conducted~~  
9 ~~during at least three years of the last 10 years immediately before the passage~~  
10 ~~of No. 259 of the Acts of 1959 if the agricultural fair is located within 50 miles~~  
11 ~~of the race track at which pari-mutuel racing is to be conducted, unless the~~  
12 ~~Commission finds there is no conflict between that race track and the~~  
13 ~~agricultural fair. Repealed.~~

14 § 624. RACE OFFICIALS

15 ~~There shall be at least one representative and such other assistants or~~  
16 ~~employees of the Commission, as the Commission shall determine, present to~~  
17 ~~supervise each running or harness horse race or meet conducted under this~~  
18 ~~chapter. Repealed.~~

19 § 625. DEVICES REQUIRED

20 ~~Every licensee conducting horse racing under this chapter shall use for each~~  
21 ~~race such devices as the Commission may designate to be used to determine~~  
22 ~~the respective positions of the first three contestants finishing. Repealed.~~

1     § 626. ~~OPERATING FEES~~

2           A licensee for pari-mutuel racing other than an agricultural fair shall pay a  
3     fee of \$200.00 for each day of racing or simulcasting; an agricultural fair shall  
4     pay \$20.00 for each day of pari-mutuel racing. The fee shall be paid by the  
5     licensee to the town treasurer of the town where the race or simulcast is  
6     conducted within seven days after the date on which the race or simulcast was  
7     held. [Repealed.]

8     § 627. ~~DEFICITS; ASSESSMENTS~~

9           ~~(a) Annually as of June 30, if, after comparing all racing Commission~~  
10     ~~expenditures to the total of fees paid to the Commission under sections 615 and~~  
11     ~~618 of this title, there remains a deficit, then the Commission shall, on or~~  
12     ~~before August 14 next, assess all licensees under section 610 of this title,~~  
13     ~~except agricultural fair licensees, an amount sufficient to cover the deficiency.~~  
14     ~~These assessments shall be on an equitable and practicable basis adopted by~~  
15     ~~the Commission by rule.~~

16           ~~(b) If any such licensee shall fail to remit payment for the expense~~  
17     ~~apportionment billed by the Commission, its license may be revoked or~~  
18     ~~suspended for a period of not less than one year.~~

19           ~~(c) In addition to the authority granted in subsection (b) of this section, the~~  
20     ~~Commission shall have the same authority to collect assessments levied under~~  
21     ~~this section as granted to the Commissioner of Taxes to enforce and collect the~~  
22     ~~tax on income under 32 V.S.A. chapter 151. [Repealed.]~~

1 § 628. REPEALED.

2 § 629. REPEALED.

3 § 630. ~~DISPOSITION OF REVENUES~~

4 ~~All fees, fines, unredeemed ticket funds, and other revenues collected under~~  
5 ~~sections 601 through 627 of this title, except section 620, shall be credited to~~  
6 ~~the Vermont Racing Special Fund, established and managed pursuant to~~  
7 ~~32 V.S.A. chapter 7, subchapter 5, and shall be available to the Racing~~  
8 ~~Commission to offset the cost of providing its services.~~

9 §§ 631–640. ~~[Reserved.] [Repealed.]~~

10 § 641. REPEALED.

11 § 642. REPEALED.

12 Sec. 24. 13 V.S.A. § 2151 is amended to read:

13 § 2151. BOOKMAKING; POOL SELLING; OFF-TRACK WAGERS

14 (a) ~~Except as provided under 31 V.S.A. chapter 13, a~~ A person shall not:

15 (1) engage in bookmaking or pool selling, except deer pools or other  
16 pools in which all of the monies paid by the participants, as an entry fee or  
17 otherwise, are paid out to either the winning participants based on the result of  
18 the pool or to a nonprofit organization or event as described in ~~32 V.S.A.~~  
19 ~~§ 10201(5)~~ 31 V.S.A. § 1201(5) where the funds are to be used as described in  
20 that subdivision, or both;

21 (2) keep or occupy, for any period of time, any place or enclosure of any  
22 kind, with any material for recording any wager, or any purported wager, or

1 selling pools, except as provided in subdivision (1) of this subsection, upon the  
2 result of any contest, lot, chance, unknown or contingent event, whether actual  
3 or purported;

4 (3) receive, hold, or forward, or purport or pretend to receive, hold, or  
5 forward, in any manner, any money, thing, or consideration of value, or the  
6 equivalent or memorandum thereof, wagered, or to be wagered, or offered for  
7 the purpose of being wagered, upon such result;

8 (4) record or register, at any time or place, any wager upon such result;

9 (5) permit any place or enclosure that the person owns, leases, or  
10 occupies to be used or occupied for any purpose or in any manner prohibited  
11 by subdivision (1), (2), (3), or (4) of this section; or

12 (6) with the exception of pools as provided in subdivision (1) of this  
13 subsection, lay, make, offer, or accept any wager, upon such result or contest  
14 of skill, speed, or power of endurance of human or beast, or between humans,  
15 beasts, or mechanical apparatus.

16 (b) Notwithstanding any provision to the contrary, a public retail  
17 establishment, including a holder of a second-class license issued under Title 7,  
18 may sell raffle tickets on the retail premises for a nonprofit organization that  
19 has organized the raffle, provided the raffle is conducted in accordance with  
20 section 2143 of this title and that no person is compensated for expenses, as  
21 outlined in subdivision 2143(e)(1)(B) of this title.

1 Sec. 25. 13 V.S.A. § 2153 is amended to read:

2 § 2153. ~~RACING ANIMALS; DRUGS OR DEVICES; FALSE NAMES~~

3 PROHIBITION ON DOG AND HORSE RACE BETTING

4 A person shall not: hold, conduct, operate, or simulcast a pari-mutuel dog  
5 race or pari-mutuel horse race for public exhibition

6 ~~(1) influence, induce, or conspire with any owner, jockey, groom, or~~  
7 ~~other person associated with or interested in any stable, horse, or race in which~~  
8 ~~a horse participates to affect the result of such race by stimulating or~~  
9 ~~depressing a horse through the administration of any drug to such horse, or by~~  
10 ~~the use of any electrical device or any electrical equipment or by any~~  
11 ~~mechanical or other device not generally accepted as regulation racing~~  
12 ~~equipment;~~

13 ~~(2) so stimulate or depress a horse;~~

14 ~~(3) knowingly enter any horse in any race within a period of 24 hours~~  
15 ~~after any drug has been administered to such horse for the purpose of~~  
16 ~~increasing or retarding the speed of such horse;~~

17 ~~(4) transport or use any local anaesthetic of the cocaine group, including~~  
18 ~~but not limited to natural or synthetic drugs of this group, such as allocaine,~~  
19 ~~apothesine, alypine, benzyl, carbinol, butyn, procaine, nupercaine, beta-~~  
20 ~~eucaine, novol, or anestubes or the drugs nikethamide or phenylbutazone, or~~  
21 ~~hormones, within the racing enclosure, except upon a bona fide veterinarian's~~  
22 ~~prescription with complete statement of uses and purposes of same on the~~

1 ~~container. A copy of such prescription shall be filed with the stewards and such~~  
2 ~~substances may be used only with approval of the stewards and under the~~  
3 ~~supervision of the veterinarian representing the racing commission;~~

4 ~~(5) except for medicinal purposes, administer any poison, drug,~~  
5 ~~medicine, or other noxious substance to any animal entered or about to be~~  
6 ~~entered in any race or expose any poison, drug, medicine, or noxious substance~~  
7 ~~with intent that it shall be taken, inhaled, swallowed, or otherwise received by~~  
8 ~~any animal with intent to affect its speed, endurance, sense, health, physical~~  
9 ~~condition, or other character or quality, or cause to be taken by or placed upon~~  
10 ~~or in the body of any animal entered or about to be entered in any race any~~  
11 ~~sponge, wood, or foreign substance of any kind, with intent to affect its speed,~~  
12 ~~endurance, sense, health, or physical condition;~~

13 ~~(6) willfully or unjustifiably enter or race any horse in any running or~~  
14 ~~trotting race under any name or designation other than the name or designation~~  
15 ~~assigned to such horse by and registered with the Jockey Club or the United~~  
16 ~~States Trotting Association or willfully instigate, engage in, or in any way~~  
17 ~~further any act by which any horse is entered or raced in any running or~~  
18 ~~trotting race under any name or designation other than the name or designation~~  
19 ~~duly assigned by and registered with the Jockey Club or the United States~~  
20 ~~Trotting Association.~~

1 Sec. 26. 13 V.S.A. § 2154 is amended to read:

2 § 2154. ~~DRUG DEFINED~~

3 ~~The term “drug” includes all substances recognized as having the power of~~  
4 ~~stimulating or depressing the central nervous system, respiration, or blood~~  
5 ~~pressure of an animal, such as narcotics, hypnotics, benzedrine or its~~  
6 ~~derivatives, but shall not include recognized vitamins or supplemental feeds~~  
7 ~~approved by the veterinarian representing the racing commission. [Repealed.]~~

8 Sec. 27. 13 V.S.A. § 2156 is amended to read:

9 § 2156. ~~TOUTING PROHIBITED; PENALTY~~

10 ~~Any person who knowingly and designedly by false representation attempts~~  
11 ~~to, or does persuade, procure, or cause another person to wager on a horse in a~~  
12 ~~race to be run in this State or elsewhere, and upon which money is wagered in~~  
13 ~~this State, and who asks or demands compensation as a reward for information~~  
14 ~~or purported information given in such case is a tout, and is guilty of touting~~  
15 ~~and shall be fined not more than \$500.00 or imprisoned not more than one~~  
16 ~~year, or both. [Repealed.]~~

17 \* \* \* Restorative Justice Working Group \* \* \*

18 Sec. 28. RESTORATIVE JUSTICE WORKING GROUP; REPORT

19 (a) Creation. There is created the Restorative Justice Working Group to  
20 recommend legislation that would conform the law to the current structure of  
21 community and restorative justice.

1        (b) Membership. The Working Group shall be composed of the following  
2        members:

3                (1) the Commissioner of Corrections or designee;

4                (2) the Commissioner of Children and Families or designee;

5                (3) the Court Administrator or designee;

6                (4) the Chief Administrative Judge or designee;

7                (5) the Executive Director of the Vermont Association of Court

8        Diversion Programs or designee;

9                (6) the Attorney General or designee;

10               (7) the Defender General or designee;

11               (8) the Executive Director of the Department of State's Attorneys and

12        Sheriffs or designee;

13               (9) a Balanced and Restorative Justice Program service provider

14        appointed by the Commissioner of Children and Families;

15               (10) the Executive Director of the Vermont Network Against Domestic

16        and Sexual Violence or designee;

17               (11) the President of the Vermont Association of Chiefs of Police or

18        designee;

19               (12) the President of the Vermont Sheriffs Association or designee; and

20               (13) three individuals appointed by the Governor, each of whom shall be

21        a representative of one of each of the following types of community justice

22        centers:

1           (A) a municipal host site;

2           (B) a nonprofit host site; and

3           (C) a Department of Corrections and Office of Attorney General  
4 joint-funded host site.

5           (c) Powers and duties. The Working Group shall conduct a comprehensive  
6 review of the current structure of community and restorative justice for youth  
7 and adults in the delinquency and criminal justice contexts and determine what  
8 provisions of law, including those provisions set forth in Titles 13, 24, 28, and  
9 33 of the Vermont Statutes Annotated, need to be amended in order to bring  
10 the law in line with that current structure.

11           (d) Assistance. The Working Group shall have the administrative,  
12 technical, and legal assistance of the Department of Corrections.

13           (e) Report. On or before January 1, 2021, the Working Group shall report  
14 to the Senate and House Committees on Judiciary and the Sunset Advisory  
15 Commission with its findings and any recommendations for legislative action.  
16 The report may be in the form of recommended legislation.

17           (f) Meetings.

18           (1) The Commissioner of Corrections or designee shall call the first  
19 meeting of the Working Group to occur on or before September 1, 2020.

20           (2) The Committee shall select a chair from among its members at the  
21 first meeting.

22           (3) A majority of the membership shall constitute a quorum.

