

House Calendar

Tuesday, March 10, 2020

64th DAY OF THE ADJOURNED SESSION

House Convenes at 10:00 A.M.

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ACTION CALENDAR

Action Postponed Until March 10, 2020

Senate Proposal of Amendment

H. 550

An act relating to unclaimed property

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

First: In Sec. 2. 27 V.S.A. § 1461(5) after the word “a” by inserting payroll card or and by striking out “other than amounts held on a payroll card, but”

Second: In Sec. 2. 27 V.S.A. § 1461(11) by striking out “including” and inserting in lieu thereof other than and by striking out the word “on” and inserting in lieu thereof the word in

Third: In Sec. 2. 27 V.S.A. § 1462(a) after “years after” by inserting the later of

Fourth: In Sec. 2. 27 V.S.A. § 1462(a)(1) by striking out “the later of”

Fifth: In Sec. 2. 27 V.S.A. § 1462(a)(2)(A) by striking out “70.5” and inserting in lieu thereof 72

Sixth: In Sec. 2. 27 V.S.A. § 1469(b)(4) after “is held,” by inserting or in another account of the owner’s held by the same business association or financial organization,

Seventh: By striking out Sec. 3, effective date, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2021.

(For text see House Journal February 23, 2020; page 220)

ACTION CALENDAR

Third Reading

H. 635

An act relating to regulation of long-term care facilities

H. 741

An act relating to criminal record checks on contractors working in State-

owned or -leased facilities

Favorable with Amendment

H. 215

An act relating to the Office of the Child Advocate

Rep. Redmond of Essex, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. ASSESSMENT AND RECOMMENDATION; OFFICE OF THE CHILD ADVOCATE

(a) The Joint Legislative Child Protection Oversight Committee established pursuant to 2015 Acts and Resolves No. 60, Sec. 23, as amended by 2018 Acts and Resolves No. 207, Sec. 2, shall assess the need for an Office of the Child Advocate in Vermont and explore models adopted by other states to achieve the same. In conducting its assessment and formulating a recommendation, the Committee shall specifically consider:

(1) the scope of an Office of the Child Advocate, including whether the Office would provide systems-wide oversight or review individual complaints, or both;

(2) the degree of independence with which the Office would operate and in which State agency it would be embedded, if any;

(3) the relationship of the Office to the Department for Children and Families' Family Services Division, other government entities with existing child protection responsibilities, and current complaint processes;

(4) the composition of the staff and reporting structure within the Office;

(5) the manner of appointing and confirming a Child Advocate and the composition of any advisory board to the Child Advocate; and

(6) access to confidential data held by the Department for Children and Families and the ability of the Child Advocate to speak directly to a child without the permission of a parent or guardian.

(b) In conducting its assessment, the Committee shall consult with:

(1) the Department for Children and Families;

(2) a representative of the Vermont Foster and Adoptive Family Association;

- (3) a representative of Vermont Kin as Parents;
- (4) at least one person who was previously in foster care in Vermont;
- (5) one or more parents of origin who have experienced Vermont's child protection system and had their parental rights terminated;
- (6) one or more parents of origin who have experienced Vermont's child protection system and have been reunited with their child or children;
- (7) a representative of Vermont's Judicial Branch;
- (8) a guardian ad litem;
- (9) the Defender General or designee;
- (10) a representative of the Vermont Citizen's Advisory Board; and
- (11) any other person or entity from whom the Committee chooses to receive testimony.

(c) The Committee shall provide an opportunity for the public to provide feedback to the Committee on the creation and structure of an Office of the Child Advocate in Vermont.

(d) On or before December 1, 2020, the Committee shall submit any proposed draft legislation to the General Assembly that shall reflect the findings and recommendations of the Committee's assessment conducted pursuant to this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee Vote: 11-0-0)

H. 438

An act relating to the Board of Medical Practice and the licensure of physicians and podiatrists

Rep. Durfee of Shaftsbury, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Board of Medical Practice and Physician Licensure * * *

Sec. 1. 26 V.S.A. chapter 23 is amended to read:

CHAPTER 23. MEDICINE

Subchapter 1. General Provisions

§ 1311. DEFINITIONS

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

(1) “Practice of medicine” means:

(A) using the designation “Doctor,” “Doctor of Medicine,” “Physician,” “Dr.,” “M.D.,” or any combination thereof in the conduct of any occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition unless the designation additionally contains the description of another branch of the healing arts for which one holds a valid license in Vermont;

(B) advertising, holding out to the public, or representing in any manner that one is authorized to practice medicine in the jurisdiction;

(C) offering or undertaking to prescribe, order, give, or administer any drug or medicine for the use of any other person;

(D) offering or undertaking to prevent, diagnose, correct, or treat in any manner or by any means, methods, or devices any disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition of any person, including the management of all aspects of pregnancy, labor and delivery, and parturition postpartum care;

(E) offering or undertaking to perform any surgical operation upon any person;

(F) rendering a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient or the actual rendering of treatment to a patient within the State by a physician located outside the State as a result of the transmission of individual patient data by electronic or other means from within the State to the physician or his or her agent; or

(G) rendering a determination of medical necessity or a decision affecting the diagnosis or treatment of a patient.

(2) “Board” means the ~~State~~ Board of Medical Practice established under section 1351 of this title.

(3) “License” means license to practice medicine and surgery in the State as defined in subchapter 3 of this chapter. “Licensee” includes any individual licensed or certified by the Board.

(4) “Medical director” means, for purposes of this chapter, a physician who is Board-certified or Board-eligible in his or her field of specialty, as determined by the American Board of Medical Specialties (ABMS), and who is charged by a health maintenance organization with responsibility for

overseeing all clinical activities of the plan in this State, or his or her designee.

(5) “Health maintenance organization,” as used in this section, ~~shall have~~ has the same meaning as defined in 18 V.S.A. § 9402(9).

(6) “Members” means members of the Board.

(7) “Secretary” means the ~~Secretary~~ secretary of the Board.

* * *

§ 1313. EXEMPTIONS

(a) The provisions of this chapter shall not apply to the following:

(1) a A health care professional licensed or certified by the Office of Professional Regulation when that person is practicing within the scope of his or her profession;

(2) a A member of the U.S. Armed Forces or National Guard carrying out official military duties, including a National Guard member in state active duty status, or to any person giving aid, assistance, or relief in emergency or accident cases, pending the arrival of a regularly licensed physician;

(3) a A nonresident physician coming into this State to consult or using telecommunications to consult with a duly licensed practitioner herein;

(4) a A duly licensed physician in another state, in Canada, or in another nation as approved by the Board, who is visiting a medical school or a teaching hospital in this State to receive or conduct medical instruction for a period not to exceed three months, provided the practice is limited to that instruction and is under the supervision of a physician licensed by the Board;

(5) a A physician who is duly licensed and in good standing in another state, territory, or jurisdiction of the United States or in Canada if the physician is employed as or formally designated as the team physician by an athletic team visiting Vermont for a specific sporting event and the physician limits the practice of medicine in this State to medical treatment of the members, coaches, and staff of the sports team employing or designating the physician.

(6) A student who is enrolled in an accredited educational program that leads to the issuance of a degree that would satisfy the educational requirement for a profession licensed or certified by the Board, who is engaged in an organized clinical training program, and who engages in acts constituting the practice of medicine while under the supervision of a Vermont-licensed or Vermont-certified health care professional who is qualified to supervise any acts by the student that constitute the practice of medicine. This exemption

does not apply to postgraduate trainees who are required to obtain a training license.

* * *

§ 1317. UNPROFESSIONAL CONDUCT TO BE REPORTED TO BOARD

(a) Required reporters. Any hospital, clinic, community mental health center, or other health care institution in which a licensee performs professional services shall report to the Board, along with supporting information and evidence, any reportable disciplinary action taken by it or its staff ~~that significantly limits the licensee's privilege to practice or leads to suspension or expulsion from the institution, a nonrenewal of medical staff membership, or the restrictions of privileges at a hospital taken in lieu of, or in settlement of, a pending disciplinary case related to unprofessional conduct as defined in sections 1354 and 1398 of this title.~~ The Commissioner of Health shall forward any such information or evidence he or she receives immediately to the Board. The report shall be made within 10 days of the date such disciplinary action was taken, and, in the case of disciplinary action taken against a licensee based on the provision of mental health services, a copy of the report shall also be sent to the Commissioner of Mental Health and the Commissioner of Disabilities, Aging, and Independent Living. This section shall not apply to cases of resignation or separation from service for reasons unrelated to disciplinary action.

(b) ~~Within 30 days of any judgment or settlements involving a claim of professional negligence by a licensee, any insurer of the licensee shall report the information to the Commissioner of Health and, to the extent the claim relates to the provision of mental health services, to the Commissioner of Mental Health.~~

Definition of reportable disciplinary action. A reportable disciplinary action is an action based on one or more of the following:

(1) Acts or omissions of a licensee that relate to the licensee's fitness or competence to practice medicine under the license held.

(2) Acts or omissions of the licensee that constitute a violation of a law or rule that relates in any way to the practice of medicine.

(3) Acts or omissions of the licensee that occur in the course of practice and result in one or more of the following:

(A) Resignation, leave of absence, termination, or nonrenewal of an employment relationship or contract. This includes a licensee's own initiation of such action following notification to the licensee by the reporter that the reporter or an affiliated entity is conducting an investigation or inquiry

regarding an event that, assuming the accuracy of the information or allegation, is likely to result in reportable disciplinary action. The reporter or affiliated entity shall complete the investigation or inquiry even if the licensee initiates a resignation, leave of absence, termination, or nonrenewal, and shall make a report to the Board if the investigation results in a finding of a reportable disciplinary action. Resignations and leaves of absence that are entirely voluntary by the licensee, and terminations and nonrenewals of employment or contract by a required reporter that are not related to acts or omissions of the licensee, are not reportable disciplinary actions.

(B) Revocation, suspension, restriction, relinquishment, or nonrenewal of a right or privilege. This includes a licensee's own initiation of such action following notification to the licensee by the reporter that the reporter or an affiliated entity is conducting an investigation or inquiry regarding an event that, assuming the accuracy of the information or allegation, is likely to result in reportable disciplinary action. The reporter or affiliated entity shall complete the investigation or inquiry even if the licensee initiates a resignation, leave of absence, termination, or nonrenewal, and shall make a report to the Board if the investigation results in a finding of a reportable disciplinary action. Relinquishments of privileges that are entirely voluntary by the licensee, and revocations, nonrenewals, or other limitations on privileges by a required reporter that are not related to acts or omissions of the licensee, are not reportable disciplinary actions.

(C) Written discipline that constitutes a censure, reprimand, or admonition, if it is the second or subsequent censure, reprimand, or admonition within a 12-month period for the same or related acts or omissions that previously resulted in written censure, reprimand, or admonition. The same or related acts or omissions includes similar behavior or behavior involving the same parties, or both. Oral censure, oral reprimand, and oral admonition are not considered reportable disciplinary actions, and notation of an oral censure, oral reprimand, or oral admonition in a personnel or supervisor's file does not transform the action from oral to written.

(D) Fine or any other form of monetary penalty imposed as a form of discipline.

(E) Required education, remedial counseling, or monitoring that is imposed as a result of a completed, contested disciplinary process. This includes recommendation or referral for services from the Vermont Practitioner Recovery Network established pursuant to section 1401a of this chapter, or from an employer wellness program or similar program, as a result of a completed, contested disciplinary process.

(c) Timing of reports. A required report of reportable disciplinary action under subsection (b) of this section shall be made within 30 days following the date on which the disciplinary action was taken or upon completion of an investigation or inquiry pursuant to subdivision (b)(3)(A) or (B) of this section.

(d) Mental health services. If reportable disciplinary action is reported to the Board based on a licensee's provision of mental health services, the Commissioner of Health shall forward the report to the Commissioners of Mental Health and of Disabilities, Aging, and Independent Living. Except as provided in section 1368 of this title, information provided to the Department of Health, the Department of Mental Health, or the Department of Disabilities, Aging, and Independent Living under this section shall be confidential unless the Department of Health decides to treat the report as a complaint; in which case, the provisions of section 1318 of this title shall apply.

(d)(e) Limitation on liability. A person who acts in good faith in accordance with the provisions of this section shall not be liable for damages in any civil action based on the fact that a report was made.

(e)(f) Violations. A person reporter who violates this section shall be subject to a civil penalty of not more than \$5,000.00, provided that a reporter who employs or grants privileges to five or more Board licensees and who violates this section shall be subject to a civil penalty of not more than \$10,000.00.

* * *

Subchapter 2. Board of Medical Practice

§ 1351. BOARD OF MEDICAL PRACTICE

(a) ~~A State~~ The Board of Medical Practice is created. The Board shall be composed of 17 members, nine of whom shall be licensed physicians, one of whom shall be a physician assistant licensed pursuant to chapter 31 of this title, one of whom shall be a podiatrist licensed pursuant to chapter 7 of this title, and six of whom shall be persons not associated with the medical field. The Governor, with the advice and consent of the Senate, shall appoint the members of the Board. Appointments shall be for a term of five years, except that a vacancy occurring during a term shall be filled by an appointment by the Governor for the unexpired term. No member shall be appointed to more than two consecutive full terms, but a member appointed for less than a full term, (originally or to fill a vacancy), may serve two full terms in addition to such part of a full term, and a former member shall again be eligible for appointment after a lapse of one or more years. Any member of the Board

may be removed by the Governor at any time. The Board shall elect from its members a chair, vice chair, and secretary who shall serve for one year and until their successors are appointed and qualified. The Board shall meet upon the call of the Chair or the Commissioner of Health, or at such other times and places as the Board may determine. Except as otherwise provided in ~~section 1360~~ sections 1372, 1373, and 1374 of this title, nine members of the Board shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present and voting shall be required to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize any decision or order of the Board.

* * *

§ 1353. POWERS AND DUTIES OF THE BOARD

The Board shall have the following powers and duties to:

(1) License and certify health professionals pursuant to this title.

(2) Investigate all complaints and charges of unprofessional conduct against any holder of a license or certificate, or any medical practitioner practicing pursuant to section 1313 of this title, and to hold hearings to determine whether such charges are substantiated or unsubstantiated. The Board may employ or contract with one or more hearing officers to schedule, oversee prehearing processes, preside over hearings, and assist with the preparation of reports and decisions.

(3) Issue subpoenas and administer oaths in connection with any investigations, hearings, or disciplinary proceedings held under this chapter. Any individual or entity served with a subpoena issued by the Board shall comply notwithstanding the patient's privilege established in 12 V.S.A. § 1612.

(4) Take or cause depositions to be taken as needed in any investigation, hearing, or proceeding.

* * *

~~(8) Obtain, at the Board's discretion, from the Vermont Crime Information Center a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation, for any applicant, licensee, or holder of certification. The Board may also inquire of Interpol for any information on criminal history records of an applicant, licensee, or holder of certification. Each applicant, licensee, or holder of certification shall consent to the release of criminal history records to the Board on forms substantially similar to the release forms developed in accordance with 20 V.S.A. § 2056c. When the Board obtains a criminal history~~

~~record, it shall promptly provide a copy of the record to the applicant, licensee, or holder of certification and inform him or her of the right to appeal the accuracy and completeness of the record pursuant to rules adopted by the Vermont Crime Information Center. When fingerprinting is required pursuant to this subdivision, the applicant, licensee, or holder of certification shall bear all costs associated with fingerprinting. The Board shall comply with all laws regulating the release of criminal history records and the protection of individual privacy.~~

(A) Inquire into the criminal history backgrounds of applicants for licensure and for biennial license renewal for all professionals licensed or certified by the Board. In obtaining these background checks:

(i) the Board may inquire directly of the Vermont Crime Information Center, the Federal Bureau of Investigation, the National Crime Information Center, and other holders of official criminal record information, and may arrange for these inquiries to be made by a commercial service;

(ii) the Board may require the background checks to be fingerprint-supported, and fingerprints obtained for that purpose may be retained on file by the Board, by holders of official criminal record information, or by a service acting on behalf of the Board, and used to notify the Board of information added to the criminal background history of Board licensees in the future; and

(iii) the Board shall notify applicants subject to background checks that the check is required, that fingerprints will be retained on file, and that criminal convictions are not an absolute bar to licensure, and shall provide applicants and licensees with such other information as may be required by federal law or regulation.

(B) An applicant or licensee shall bear any cost of obtaining a required criminal history background check.

(C) The Board shall comply with all laws regulating the release of criminal history records and the protection of individual privacy.

(D) No person shall confirm the existence or nonexistence of criminal history record information to any person who would not be eligible to receive the information pursuant to this chapter. As used in this subdivision, "criminal history record" is as defined has the same meaning as in 20 V.S.A. § 2056a.

* * *

§ 1354. UNPROFESSIONAL CONDUCT

(a) The Board shall find that any one of the following, or any combination of the following, whether the conduct at issue was committed within or outside the State, constitutes unprofessional conduct:

* * *

(23) revocation of a license to practice medicine or surgery in, or other disciplinary sanction, by another jurisdiction on one or more of the grounds specified in this section;

* * *

(27) failure to comply with provisions of federal or State statutes or regulations, or the statutes or rules of this or any other state, governing the practice of medicine or surgery;

* * *

§ 1355. COMPLAINTS; HEARING COMMITTEE

~~(a) Any person, firm, corporation, or public officer may submit a written complaint to the Board alleging any person practicing medicine in the State committed unprofessional conduct, specifying the grounds therefor. The Board shall initiate an investigation of the physician when a complaint is received or may act on its own initiative without having received a complaint. The Chair shall designate four members, including one public member, to serve as a committee to hear or investigate and report upon such charges.~~

~~(b) The Chair may designate a hearing committee constituting less than a quorum of the Board, to conduct hearings that would otherwise be heard by the Board. A hearing committee shall consist of at least one physician member of the Board and one public member of the Board. No member of the hearing committee shall have been a member of the investigative committee that reviewed the matter at the investigative stage. When the Board is unable to assign one or more members to investigate a complaint or serve on a hearing committee by reason of disqualification, resignation, vacancy, or necessary absence, the Commissioner may, at the request of the Board, appoint ad hoc members to serve on the investigation or the hearing for that matter only. When a hearing is conducted by a hearing committee, the committee shall report its findings and conclusions to the Board, within 60 days of the conclusion of the hearing unless the Board grants an extension. The Board may take additional evidence and may accept, reject, or modify the findings and conclusions of the Committee. Judgment on the findings shall be rendered by the Board. Nothing herein is intended to limit the discretion of the Board to determine whether a matter will proceed to hearing before a hearing committee under this subsection or by a quorum of the Board.~~

~~(c) A person or organization shall not be liable in a civil action for damages resulting from the good faith reporting of information to the Board about alleged incompetent, unprofessional, or unlawful conduct of a licensee.~~

~~(d) The hearing committee may close portions of hearings to the public if the hearing committee deems it appropriate in order to protect the confidentiality of an individual or for medical and other protected health information pertaining to any identifiable person that is otherwise confidential by State or federal law.~~

~~(e) In any proceeding under this section that addresses an applicant's or licensee's alleged sexual misconduct, evidence of the sexual history of the victim of the alleged sexual misconduct shall neither be subject to discovery nor be admitted into evidence. Neither opinion evidence nor evidence of the reputation of the victim's sexual conduct shall be admitted. At the request of the victim, the hearing committee may close portions of hearings to the public if the Board deems it appropriate in order to protect the identity of the victim and the confidentiality of his or her medical records. [Repealed.]~~

§ 1356. SPECIFICATION OF CHARGES

~~If the Board or committee determines that a hearing is warranted, the Secretary shall prepare a specification of the charge or charges of unprofessional conduct made against a medical practitioner, a copy of which shall be served upon the person complained against, together with a notice of the hearing, as provided in section 1357 of this title. [Repealed.]~~

§ 1357. TIME AND NOTICE OF HEARING

~~The time of hearing shall be fixed by the Secretary as soon as convenient, but not earlier than 30 days after service of the charge upon the person complained against. The Secretary shall issue a notice of hearing of the charges, which notice shall specify the time and place of hearing and shall notify the person complained against that he or she may file with the Secretary a written response within 20 days of the date of service. The notice shall also notify the person complained against that a stenographic record of the proceeding will be kept, that he or she will have the opportunity to appear personally and to have counsel present, with the right to produce witnesses and evidence in his or her own behalf, to cross-examine witnesses testifying against him or her and to examine such documentary evidence as may be produced against him or her. [Repealed.]~~

§ 1358. SUBPOENAS; CONTEMPT

~~Subpoenas may be issued by the Board to compel the attendance of witnesses at any investigation or hearing. The Board shall issue subpoenas at~~

~~the request and on the behalf of the person complained against. [Repealed.]~~

§ 1359. REPORT OF HEARING

~~Within 30 days after holding a hearing under the provisions of section 1357 of this title, the committee shall make a written report of its findings of fact and its recommendations, and the same shall be forthwith transmitted to the Secretary, with a transcript of the evidence. [Repealed.]~~

§ 1360. HEARING BEFORE BOARD

~~(a) If the Board deems it necessary, the Board may, after further notice to the person complained against, take testimony at a hearing before the Board, conducted as provided for hearings before the hearing committee. In any event, whether the Board makes its determination on the findings of the hearing committee, on the findings of the committee as supplemented by a second hearing before the Board, or on its own findings, the Board shall determine the charge or charges upon the merits on the basis of the evidence in the record before it. Five members of the Board, including at least one public member, shall constitute a quorum for purposes of this section.~~

~~(b) Members of the committee designated under section 1355 of this title to investigate the complaint shall not sit with the Board when it conducts hearings under this section.~~

~~(c) In any proceeding under this section that addresses an applicant's or licensee's alleged sexual misconduct, evidence of the sexual history of the victim of the alleged sexual misconduct shall neither be subject to discovery nor be admitted into evidence. Neither opinion evidence of nor evidence of the reputation of the victim's sexual conduct shall be admitted. At the request of the victim, the hearing committee may close portions of hearings to the public if the Board deems it appropriate to close portions of the hearing in order to protect the identity of the victim and the confidentiality of his or her medical records.~~

~~(d) The Board may close portions of hearings to the public if the Board deems it appropriate in order to protect the confidentiality of an individual or for medical and other protected health information pertaining to any identifiable person that is otherwise confidential by State or federal law. [Repealed.]~~

§ 1361. DECISION AND ORDER

~~(a) If a majority of the members of the Board vote in favor of finding the person complained against guilty of unprofessional conduct as specified in the charges, or any of them, the Board shall prepare written findings of fact, conclusions, and order, a copy of which shall be served upon the person~~

~~complained against.~~

~~(b) In such order, the Board may reprimand the person complained against, as it deems appropriate; condition, limit, suspend, or revoke the license, certificate, or practice of the person complained against; or take such other action relating to discipline or practice as the Board determines is proper, including imposing an administrative penalty not to exceed \$1,000.00 for each act that constitutes an unprofessional conduct violation. Any money received from the imposition of an administrative penalty imposed under this subsection shall be deposited into the Board of Medical Practice Regulatory Fee Fund for the purpose of providing education and training for Board members and licensees. The Commissioner shall detail in the annual report receipts and expenses from money received under this subsection.~~

~~(c) If the person complained against is found not guilty, or the proceedings against him or her are dismissed, the Board shall forthwith order a dismissal of the charges and the exoneration of the person complained against.~~

~~(d) Any order issued under this section shall be in full force and effect until further order of the Board or a court of competent jurisdiction. [Repealed.]~~

* * *

§ 1365. NOTICE OF CONVICTION OF CRIME; INTERIM SUSPENSION OF LICENSE

~~(a) The Board shall treat a certified copy of the judgment notice of conviction of a crime for which a licensee may be disciplined under section 1354 of this title as an unprofessional conduct complaint. The record A certified copy of the judgment of conviction shall be conclusive evidence of the fact that the conviction occurred. If a person licensed under this chapter is convicted of a crime by a court in this State, the clerk of the court shall within 10 days of such conviction transmit a certified copy of the judgment of conviction to the Board.~~

* * *

§ 1366. OUT-OF-STATE DISCIPLINE; INTERIM SUSPENSION OF LICENSE

~~(a) The Board shall treat a certified copy of an order revoking or suspending the license of a person licensed to practice medicine or surgery in another jurisdiction on grounds for which a licensee may be disciplined under subdivision 1354(a)(23) of this title as an unprofessional conduct complaint. The A certified copy of the order of revocation or suspension shall be conclusive evidence of the fact that the revocation or suspension occurred.~~

(b) The Board shall treat ~~a certified copy as an unprofessional conduct complaint~~ any notice of a statement of a licensing entity in another jurisdiction that verifies that a person licensed to practice medicine or surgery in that jurisdiction failed to renew, surrendered, or otherwise terminated his or her license during, or prior to initiation of, proceedings to revoke or suspend his or her license ~~as an unprofessional conduct complaint~~. The A certified copy of the statement shall be conclusive evidence of the fact that such termination occurred.

(c) Upon receipt of the certified copy of an order or statement referred to in ~~subsections~~ subsection (a) or (b) of this section, the Board shall follow the procedures for interim suspension set forth in subsection 1365(b) of this ~~title~~ chapter.

(d) The sole issue to be determined at the disciplinary hearing on a complaint filed under subsection (a) of this section shall be the nature of the disciplinary action to be taken by the Board.

* * *

§ 1370. COMPLAINTS; INVESTIGATIVE COMMITTEE

(a)(1) Any individual, organization, or public officer may submit a written complaint to the Board alleging that any individual practicing medicine in the State committed unprofessional conduct or that an individual practiced without being licensed in violation of section 1314 of this chapter. The complaint shall specify the grounds on which the allegations of unprofessional conduct are based.

(2) A person or organization shall not be liable in a civil action for damages resulting from the good faith reporting of information to the Board about alleged incompetent, unprofessional, or unlawful conduct of a licensee.

(b)(1) The Board shall initiate an investigation of the individual complained against whenever a complaint is received. The Board may also act on its own initiative without having received a complaint.

(2) The Executive Director shall designate three or more members, including at least one public member, to serve as an investigative committee to investigate and report to the Board its findings regarding the complaint and whether an evidentiary hearing is warranted. If there is an insufficient number of members to investigate a complaint by reason of disqualification, resignation, vacancy, or necessary absence, the Commissioner of Health may, at the request of the Board, appoint ad hoc members to serve on the investigative committee for that matter only.

(3) If the investigative committee determines that an evidentiary hearing

is warranted, the Executive Director shall prepare a specification of the charge or charges of unprofessional conduct made against the individual licensed by the Board, a copy of which shall be served upon subject of the charge or charges, together with the notice of hearing set forth in subsection 1372(b) of this chapter.

§ 1371. ACCESS TO DOCUMENTS; DISCOVERY

(a)(1) A licensee who is notified that a specification of one or more charges of unprofessional conduct have been made against the individual in accordance with subdivision 1370(b)(3) of this chapter shall be entitled to inspect and copy all information in the possession of the Department of Health pertaining to the licensee, except:

(A) investigatory files that have not resulted in charges of unprofessional conduct;

(B) materials that constitute attorney work product; and

(C) any other document or information that the Board has an obligation to protect from disclosure.

(2) The Executive Director shall notify the licensee of the right to inspect and copy information as provided in subsection 1372(b) of this chapter.

(b) A licensee who is notified that a specification of one or more charges of unprofessional conduct have been made against the individual in accordance with subdivision 1370(b)(3) of this chapter shall be entitled to produce fact witnesses, expert witnesses, and evidence on the licensee's own behalf, to cross-examine witnesses testifying against the licensee, and to engage in other methods of discovery as set forth by order of the Board or its hearing officer.

(c) A licensee who is notified that a specification of one or more charges of unprofessional conduct have been made against the individual in accordance with subdivision 1370(b)(3) of this chapter shall be entitled to request to depose witnesses by motion to the Board or its hearing officer. Any deposition so ordered shall be subject to:

(1) the provisions of section 1376 of this chapter, relating to confidentiality and the inadmissibility of certain evidence;

(2) limitations or conditions necessary to protect witnesses who are minors or who are adults subject to a guardianship or conservatorship; and

(3) such other reasonable limitations as the Board or its hearing officer may provide in the interests of justice and consistent with the provisions of 3 V.S.A. § 810, relating to rules of evidence and official notice in contested cases.

§ 1372. HEARING PANEL

(a) Composition of hearing panel.

(1) The Executive Director may designate a hearing panel constituting less than a quorum of the Board to conduct hearings that would otherwise be heard by the full Board. A hearing panel shall consist of at least three members, including at least one physician member of the Board and at least one public member of the Board. No member of the hearing panel shall have been a member of the investigative committee that reviewed the matter at the investigative stage. A party may move to disqualify a member of a hearing panel due to a conflict of interest.

(2) If there is an insufficient number of members to serve on a hearing panel by reason of disqualification, resignation, vacancy, or necessary absence, the Commissioner of Health may, at the request of the Board, appoint ad hoc members to serve on the hearing panel for that matter only.

(b) Time and notice of hearing.

(1) The Executive Director or a hearing officer shall set a time for the evidentiary hearing as soon as convenient following the determination by the investigative committee that an evidentiary hearing is warranted, subject to the discovery needs of the parties as established in any prehearing or discovery conference or in any orders regulating discovery and depositions, or both, but no earlier than 30 days after service of the charge upon the individual complained against. A party may file motions to extend the time of the hearing for good cause.

(2) The Executive Director shall issue a notice of the evidentiary hearing on the charges, which notice shall specify the time and place of the hearing and shall notify the individual complained against that he or she may file with the Executive Director a written response within 20 days of the date of service. The notice shall also notify the individual complained against that a record of the proceeding will be kept, that he or she will have the right to inspect and copy information as set forth in section 1371 of this chapter, and that he or she will have the opportunity to appear personally and to have counsel present, with the right to produce witnesses and evidence on his or her own behalf, to cross-examine witnesses testifying against him or her, and to examine such documentary evidence as may be produced against him or her.

(c) Hearing panel report. Within 60 days after holding an evidentiary hearing under this section, unless the Board grants an extension, the hearing panel shall provide a written report of its findings of fact and its recommendations to the full Board, with a transcript of the evidence.

§ 1373. HEARING BEFORE THE BOARD

(a) If the Board deems it necessary, following receipt of the report of the hearing panel pursuant to section 1372 of this chapter and after further notice to the individual complained against, the Board may take additional evidence at a hearing before the Board, which shall be conducted according to the same process as provided for the hearing panel.

(b)(1) Five members of the Board, including at least one physician member and at least one public member, shall constitute a quorum for purposes of this section.

(2) Members of the investigative committee designated pursuant to section 1370 of this chapter shall not sit with the Board when it conducts hearings under this section.

§ 1374. DECISION AND ORDER

(a) Regardless of whether the Board makes its determination on the findings of the hearing panel pursuant to section 1372 of this chapter alone, on the findings of the hearing panel as supplemented by a hearing before the Board pursuant to section 1373 of this chapter, or on its own findings, the Board shall render its decision on the merits of the charge or charges on the basis of the evidence in the record before it.

(b)(1) If a majority of the members of the Board present and voting find that the individual complained against committed unprofessional conduct as specified in one or more of the charges, the Board shall prepare written findings of fact, conclusions, and an order, copies of which shall be served upon the individual complained against.

(2)(A) In its order, the Board may do one or more of the following:

(i) reprimand the individual complained against;

(ii) condition, limit, suspend, or revoke the license, certificate, or practice of the individual complained against; or

(iii) take such other action relating to discipline or practice as the Board determines appropriate, including imposing an administrative penalty of not more than \$1,000.00 for each act that constitutes an unprofessional conduct violation.

(B) Any monies received from the imposition of an administrative penalty imposed pursuant to this subdivision (2) shall be deposited into the Board of Medical Practice Regulatory Fee Fund for the purpose of providing education and training for Board members and licensees. The Commissioner of Health's accounting under section 1351 of this chapter shall detail the

receipts of administrative penalties and the purposes for which such monies were used.

(c) If the Board finds the individual complained against not guilty of the charge or charges, or the charges against the individual are dismissed, the Board shall promptly order a dismissal of the charges and issue a statement that the charges were not proved.

(d) Any order issued by the Board under this section shall be in full force and effect until further order of the Board or of a court of competent jurisdiction.

§ 1375. SUBPOENAS; CONTEMPT

(a) The Board may issue subpoenas to compel the attendance of witnesses at any investigation or hearing.

(b) The Board shall issue subpoenas on behalf of the individual complained against at the request of such person.

§ 1376. CONFIDENTIALITY; INADMISSIBILITY OF CERTAIN

EVIDENCE

(a) A hearing panel or the Board, or both, may close portions of a hearing or hearings to the public if the panel or Board deems it appropriate in order to protect the confidentiality of an individual or for medical and other protected health information pertaining to any identifiable person that is otherwise confidential under State or federal law.

(b) In any proceeding under section 1372 or 1373 of this chapter that addresses an applicant's or licensee's alleged sexual misconduct, evidence of the sexual history of a victim of the alleged sexual misconduct shall neither be subject to discovery nor be admitted into evidence. Neither opinion evidence nor evidence of the reputation of a victim's sexual conduct shall be admitted. At the request of a victim, a hearing panel or the Board may close portions of hearings to the public if the panel or Board deems it appropriate in order to protect the identity of a victim and the confidentiality of his or her medical records.

§ 1377. NONDISCIPLINARY FINANCIAL PENALTY

(a) For violations of statutes and Board rules of an administrative nature, the Board may, in its sole discretion, elect to offer a licensee the opportunity to pay a nondisciplinary financial penalty of not more than \$250.00 for each instance of noncompliance. If the licensee accepts the offer and submits the required payment, the matter shall be considered to be closed in lieu of investigating the failure to comply with the rule or statute as unprofessional

conduct.

(b) A matter closed by payment of a nondisciplinary financial penalty shall not be considered to be a disciplinary action, and the matter shall remain confidential in the manner of dismissed charges in accordance with section 1318 of this chapter.

(c) The Board shall not be required to offer the option of a nondisciplinary financial penalty in any particular case and may elect to process any matter as a disciplinary action.

Subchapter 3. Licenses

§ 1391. QUALIFICATIONS FOR MEDICAL LICENSURE

~~(a) Upon payment of an examination fee, a person who has attained the age of majority, and is of good moral character, who is a graduate of a legally chartered college or university authorized to confer degrees in medicine and surgery, which is recognized by the Board, shall be entitled to examination. Evidence of good moral character and competence in being able to communicate in reading, writing, and speaking the English language, shall be presented from the chief of service and two other active physician staff members at the hospital where the person was last affiliated. In the discretion of the Board, evidence from different sources may be presented~~

Basic requirements.

(1) An applicant for physician licensure as a medical doctor shall meet each of the requirements set forth in subdivisions (2)(A) through (D) of this subsection. A requirement may be met either by satisfying the requirement on its own terms or by qualifying for an exception established in this chapter or by the Board by rule.

(2) An applicant shall submit evidence of identity acceptable to the Board as set forth by rule and shall establish that the applicant:

(A) is at least 18 years of age;

(B) has completed high school, or the equivalent, and at least two years of undergraduate postsecondary school;

(C) has graduated from a medical school accredited by an organization that is acceptable to the Board, or from a medical school that has been approved by the Board by rule, with a degree of doctor of medicine or an equivalent as may be determined by the Board; and

(D) is of sound moral character and professional competence as evidenced by:

(i) references submitted in accordance with rules adopted by the Board;

(ii) a personal interview, as may be required in the discretion of the Board; and

(iii) the applicant's entire personal history, as established by information about the applicant's academic, licensing examination, employment, professional credentialing, professional certification, professional regulation, civil litigation, and criminal records submitted by the applicant or otherwise obtained by the Board in the application process.

~~(b) If a person successfully completes the examination, he or she may then apply for licensure to practice medicine in the State of Vermont. In addition, each applicant may be interviewed by a Board member~~

Postgraduate training requirements.

(1) A graduate of a U.S. or Canadian medical school accredited by a body that is acceptable to the Board shall submit evidence of the successful completion of at least two years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board and that meets such other requirements as the Board may establish by rule.

(2) A graduate of a Board-approved medical school outside the United States or Canada shall submit evidence of success of completing at least three years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board and that meets such other requirements as the Board may establish by rule.

~~(c) Students who have completed the studies of anatomy, physiology, chemistry, and histology may be examined after presenting a certificate from the secretary of the college or university in which they are pursuing their studies that they have completed the work of the second year. The fee that shall accompany such certificate shall be half of that for the final examination and shall be credited to the student as a part of the whole fee when he or she takes his or her final examination, which examination shall not include the subjects in which such student was found qualified by such previous examination~~

Examination. An applicant shall satisfy the Board's requirements for medical licensing examination as established by the Board by rule. The Board may identify which examinations are accepted, set passing standards, and set limits on time and numbers of attempts for exams. The Board may establish by rule exceptions or alternative means to meet examination requirements.

~~(d) In its discretion, the Board may refuse applicants who are graduates of~~

~~foreign universities or medical schools unless their credentials have first been passed upon and approved by the educational council for foreign medical graduates~~

ECFMG certificate. ~~A graduate of a medical school outside the United States or Canada shall also submit evidence of certification by the Educational Commission for Foreign Medical Graduates unless the individual qualifies for licensure as a Fifth Pathway applicant, as established by the Board by rule.~~

~~(e) An applicant for limited temporary license, who shall furnish the Board with satisfactory proof that he or she has attained the age of majority, is of good moral character, is a graduate of a legally chartered medical school of this country or of a foreign country that is recognized by the Board and which has power to grant degrees in medicine, that all other eligibility requirements for house officer status have been met, and that he or she has been appointed an intern, resident, fellow, or medical officer in a licensed hospital or in a clinic that is affiliated with a licensed hospital, or in any hospital or institution maintained by the State, or in any clinic or outpatient clinic affiliated with or maintained by the State, may upon the payment of the required fee, be granted a limited temporary license by the Board as a hospital medical officer for a period of up to 54 weeks and such license may be renewed or reissued, upon payment of the fee, for the period of the applicant's postgraduate training, internship, or fellowship program. Such limited temporary license shall entitle the said applicant to practice medicine only in the hospital or other institution designated on his or her certificate of limited temporary license and in clinics or outpatient clinics operated by or affiliated with such designated hospital or institution and only if such applicant is under the direct supervision and control of a licensed physician. Such licensed physician shall be legally responsible and liable for all negligent or wrongful acts or omissions of the limited temporary licensee and shall file with the Board the name and address both of himself or herself and the limited temporary licensee and the name of such hospital or other institution. Such limited temporary license shall be revoked upon the death or legal incompetency of the licensed physician or, upon ten days written notice, by withdrawal of his or her filing by such licensed physician. The limited temporary licensee shall at all times exercise the same standard of care and skill as a licensed physician, practicing in the same specialty, in the State of Vermont. Termination of appointment as intern, resident, fellow, or medical officer of such designated hospital or institution shall operate as a revocation of such limited temporary license. An application for limited temporary license shall not be subject to subsection 1391(d) of this title.~~

Current medical practice. ~~An applicant for licensure shall have actively~~

engaged in the practice of medicine, as defined by section 1311 of this chapter, within three years prior to the date on which the application for licensure becomes complete. In its discretion, the Board may license an applicant who does not meet this practice requirement but who agrees to such conditions as the Board may reasonably require to verify or confirm the applicant's readiness to reenter the practice of medicine.

(f) License by faculty appointment.

(1) The Board may issue a license without examination to a reputable physician who is a resident of a foreign country and who furnishes to the Board satisfactory proof of appointment to the faculty of a medical college in Vermont that is accredited by the Liaison Committee on Medical Education (LCME). The Board may establish additional conditions and requirements by rule for this type of license.

(2) An applicant for a license pursuant to this subsection shall furnish to the Board satisfactory proof that the applicant is at least 18 years of age, has good moral character, is licensed to practice medicine in the applicant's country of residence, and has been appointed to the faculty of an LCME-accredited medical college located in Vermont. The application shall include detailed information concerning the nature and term of the appointment, the method by which the applicant's performance will be monitored and evaluated, and any other information the Board may require by rule.

(3) A license issued pursuant to this subsection shall be for a period not to exceed the term of the faculty appointment and may, in the Board's discretion, be for a shorter period.

(4) A license issued pursuant to this subsection shall expire automatically upon termination for any reason of the licensee's faculty appointment.

§ 1392. LIMITED TEMPORARY LICENSE FOR POSTGRADUATE

TRAINING

(a) Qualifications for limited training license.

(1) An applicant for a limited training license to practice medicine in a postgraduate training program shall meet each of requirements set forth in subdivisions (2)(A) through (E) of this subsection. A requirement may be met either by satisfying the requirement on its own terms or by qualifying for an exception established in this chapter or by the Board by rule.

(2) An applicant shall submit evidence of identity acceptable to the Board and shall establish that the applicant:

(A) is at least 18 years of age;

(B) has graduated from a medical school accredited by an organization that is acceptable to the Board, or from a medical school that has been approved by the Board by rule;

(C) has been accepted to participate in a postgraduate medical training program accredited by a body approved by the Board by rule;

(D) is of sound moral character and professional competence as evidenced by the applicant's entire personal history, as established by information about the applicant's academic, licensing examination, employment, professional credentialing, professional certification, professional regulation, civil litigation, and criminal records submitted by the applicant or otherwise obtained by the Board in the application process; and

(E) will be practicing in a program under the supervision of a Vermont-licensed physician who has acknowledged in writing:

(i) the responsibility to ensure that the program operates in accordance with the requirements of the accrediting body; and

(ii) the responsibility to ensure that physicians in training practice only under the close supervision and control of Vermont-licensed physicians.

(b) Terms of limited training license.

(1) A limited training license shall be issued for the period of a "training year," which shall run from July 1 through June 30. All limited training licenses shall expire at 12:00 midnight on July 1, regardless of when issued, unless the holder leaves the program before that date, in which case the license expires upon the holder leaving the program. The Board may issue a limited training license up to 90 days prior to the beginning of a training year.

(2) A limited training license shall be renewed annually for each licensee who intends to continue to practice in a training program, in accordance with such requirements as the Board may provide by rule.

(3) A limited training license authorizes the holder to practice only within the approved training program and only at sites that are part of the hospital or other facility hosting the training program, along with such other locations as may be formally designated as a training site of the program.

(4) A limited training license shall become invalid 14 days after the supervising physician described in subdivision (a)(2)(E) of this subsection stops supervising the program for any reason, unless documentation of a new supervising physician is filed with the Board prior to the expiration of the 14-day period.

(5) A physician practicing under a limited training license is subject to the provisions of section 1354 of this chapter.

§ 1393. EXAMINATIONS

~~The examinations shall be wholly or partly in writing, in the English language, and shall be of a practical character, sufficiently strict to test the qualifications of the applicant. In its discretion the Board may use multiple choice style examinations provided by the National Board of Medical Examiners or by the Federation of State Medical Boards, or as determined by rule. The examination shall embrace the general subjects of anatomy, physiology, chemistry, pathology, bacteriology, hygiene, practice of medicine, surgery, obstetrics, gynecology, materia medica, therapeutics, and legal medicine. The subjects covered by the National Board of Medical Examiners examination shall be considered to have met the requirements of this section. If the applicant passes the examination approved by the Board and meets the other standards for licensure, he or she will qualify for licensure. [Repealed.]~~

§ 1394. REEXAMINATIONS

~~A person failing an examination may be reexamined. The limitation on the number of reexaminations shall be determined by the Board, by rule. The fee for reexamination shall be as required by subsection 1391(a) of this title. [Repealed.]~~

§ 1395. LICENSE WITHOUT EXAMINATION

~~(a) Without examination, the Board may, upon payment of the required fee, issue a license to a reputable physician who personally appears and presents a certified copy of a certificate of registration or a license issued to him or her in a jurisdiction whose requirements for registration are deemed by the Board as equivalent to those of this State, providing that such jurisdiction grants the same reciprocity to a Vermont physician or by the National Board of Medical Examiners.~~

~~(b) Without examination, the Board may issue a license to a reputable physician who is a resident of a foreign country and who shall furnish the Board with satisfactory proof that he or she has been appointed to the faculty of a medical college accredited by the Liaison Committee on Medical Education (LCME) and located within the State of Vermont. An applicant for a license under this subsection shall furnish the Board with satisfactory proof that he or she has attained the age of majority, is of good moral character, is licensed to practice medicine in his or her country of residence, and that he or she has been appointed to the faculty of an LCME accredited medical college located within the State of Vermont. The information submitted to the Board~~

~~concerning the applicant's faculty appointment shall include detailed information concerning the nature and term of the appointment and the method by which the performance of the applicant will be monitored and evaluated. A license issued under this subsection shall be for a period no longer than the term of the applicant's faculty appointment and may, in the discretion of the Board, be for a shorter period. A license issued under this subsection shall expire automatically upon termination for any reason of the licensee's faculty appointment. [Repealed.]~~

§ 1396. REQUIREMENTS FOR ADMISSION TO PRACTICE

~~(a) The standard of requirements for admission to practice in this State, under section 1395 of this title, shall be as follows:~~

~~(1) Academic: Preliminary requirements to be a high school education or its equivalent, such as would admit the student to a recognized university, and a two years' course of study in a college of arts and sciences.~~

~~(2) Medical: Be a graduate of a medical college approved by the Board or approved by an accrediting body satisfactory to the Board.~~

~~(3) Postgraduate training: Have completed at least a one-year hospital program of postgraduate training approved by the Board or approved by an accrediting body satisfactory to the Board.~~

~~(4) Moral: Shall present letters of reference as to moral character and professional competence from the chief of service and two other active physician staff members at the hospital where he or she was last affiliated. In the discretion of the Board, letters from different sources may be presented.~~

~~(5) Language: Shall demonstrate competence in reading, writing, and speaking the English language.~~

~~(6) Examination: The examination in writing shall have embraced 13 subjects of 90 questions, viz.: anatomy, physiology, chemistry, pathology, bacteriology, hygiene, practice of medicine, surgery, obstetrics, gynecology, materia medica, therapeutic, and legal medicine. The grade achieved in each subject must have been at least 75 percent, and a license shall not be recognized when a lower rating was obtained.~~

~~(7) Practice: Shall have practiced medicine within the last three years as defined in section 1311 of this title or shall comply with the requirements for updating knowledge and skills as defined by Board rules.~~

~~(b) In cases it deems appropriate, the Board may waive the requirements of subdivisions (a)(1) and (2) of this section for an applicant who is a graduate of a medical college that is neither approved by the Board nor by an accrediting~~

body satisfactory to the Board. ~~As a condition of granting a waiver, the Board may require that the applicant complete up to three years of postgraduate training satisfactory to the Board. A waiver granted under this section shall be in writing and shall include a statement of the Board reasons for granting the waiver. [Repealed.]~~

* * *

§ 1398. REFUSAL OR REVOCATION OF LICENSES

~~(a) The Board may refuse to issue the licenses provided for in section 1391 of this title to persons~~ a license or certificate to an applicant who applies to be licensed or certified under this chapter and who, by false or fraudulent representations, have has obtained or sought to obtain practice in their the profession, or by false or fraudulent representations of their profession in practice, have has obtained or sought to obtain money or any other thing of value, or who assume names a name other than their the applicant's own for the purpose of misleading others, or for any other immoral, unprofessional, or dishonorable conduct. However, a

(b) A license or certificate shall not be suspended, except as provided in section 1365 or 1366 of this chapter; revoked; or refused until the holder or applicant:

(1) is given a hearing before the Board using the same procedures as a hearing on disciplinary matters as set forth in sections 1372 through 1376 of this chapter;

(2) is offered and declines or fails to attend a hearing; or

(3) agrees to the action.

(c) In the event of a revocation, the holder of any license or certificate so revoked shall forthwith promptly relinquish the same license or certificate to the Secretary of the Board.

* * *

Sec. 2. INVESTIGATIVE PROCEDURES

On or before July 1, 2020, the Board of Medical Practice shall post on its website an operations manual, covering topics including procedures for initiating investigations, procedures for notifying licensees of investigations, and standards for investigators' visiting practices. The Board shall inform licensees that the operations manual has been posted and is available for review and comment.

* * * Licensure of Podiatrists * * *

Sec. 3. 26 V.S.A. § 371 is amended to read:

§ 371. ELIGIBILITY

To be eligible for licensure as a podiatrist, an applicant must:

* * *

(4) successfully complete all required steps of the examinations given by the National Board of Podiatry Podiatric Medical Examiners, as set forth by the Board by rule; and

* * *

Sec. 4. 26 V.S.A. § 373(b) is amended to read:

(b) A license that has lapsed for up to 364 days may be reinstated on payment of a renewal fee and a late renewal penalty. A license that has lapsed for one year or longer may be reinstated upon payment of the reinstatement fee and completion of the reinstatement application as set forth by the Board by rule. The applicant shall not be required to pay renewal fees during periods when the license was lapsed. However, if such license remains lapsed for a period of three years or longer, the Board may, after notice and an opportunity for hearing, require reexamination ~~as a condition~~ or other conditions of renewal.

Sec. 5. 26 V.S.A. § 373(b) is amended to read:

(b) A license that has lapsed for up to 364 days may be reinstated on payment of a renewal fee and a late renewal penalty. A license that has lapsed for one year or longer may be reinstated upon payment of the reinstatement fee and completion of the reinstatement application as set forth by the Board by rule. The applicant shall not be required to pay renewal fees during periods when the license was lapsed. However, if such license remains lapsed for a period of three years or longer, the Board may, ~~after notice and an opportunity for hearing, require reexamination or other conditions of renewal~~ require the licensee to update his or her knowledge and skills as defined by Board rules.

* * * Addition of Board of Medical Practice to Description of Professional Licensing Boards Entitled to Inspect Prescription Records * * *

Sec. 6. 18 V.S.A. § 4211 is amended to read:

§ 4211. RECORDS CONFIDENTIAL

Prescriptions, orders, and records required by this chapter, and stocks of regulated drugs, shall be open for inspection only to federal or state officers or their specifically authorized agent whose duty it is to enforce the federal drug laws or this chapter, ~~or to~~ authorized agents of professional licensing boards,

as that term is defined under 3 V.S.A. chapter 5, or authorized agents of the Board of Medical Practice. No person having knowledge by virtue of his or her office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution, or proceeding before the Board of Health, Board of Pharmacy, Board of Medical Practice, or another licensing or registration board, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.

* * * Effective Dates * * *

Sec. 7. EFFECTIVE DATES

(a) Sec. 1 (26 V.S.A. chapter 23) shall take effect on July 1, 2020, except that 26 V.S.A. § 1377 (nondisciplinary financial penalty) shall take effect upon the Board's adoption of a rule setting forth the schedule of statutory and rule violations and penalties.

(b) Secs. 2 (investigative procedures), 3 (26 V.S.A. § 371), 4 (26 V.S.A. § 373(b)), 6 (18 V.S.A. § 4211), and this section shall take effect on July 1, 2020.

(c) Sec. 5 (26 V.S.A. § 373(b)) shall take effect 60 days after the Board's adoption of a maintenance of licensure rule for podiatrists in accordance with 2011 Acts and Resolves No. 61, Sec. 10.

(Committee Vote: 11-0-0)

H. 552

An act relating to the Vermont Environmental Protection Agency (EPA)
Pollution Control Revolving Fund

Rep. Coffey of Guilford, for the Committee on Corrections and Institutions, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. § 4753 is amended to read:

§ 4753. REVOLVING LOAN FUNDS; AUTHORITY TO SPEND; REPORT

(a) There is hereby established a series of special funds to be known as:

(1) The Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund, which shall be used, consistent with federal law, to provide loans for planning and construction of clean water projects, including acquisitions of project-related easements, land, options to purchase land, and temporary or permanent rights-of-way, and for implementing related management programs.

* * *

(b)(1) Each of such funds shall be established and held separate and apart from any other funds or monies of the State and shall be used and administered exclusively for the purpose of this chapter with the exception of transferring funds from the Vermont Drinking Water Planning Loan Fund and the Vermont Drinking Water Source Protection Fund to the Vermont Environmental Protection Agency (EPA) Drinking Water State Revolving Fund, and from the Vermont Pollution Control Revolving Fund to the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund, when authorized by the Secretary.

(2) These funds shall be administered by the Bond Bank on behalf of the State, except that:

(A) the Vermont EPA Drinking Water State Revolving Fund shall be administered by VEDA concerning loans to privately owned public water systems under subdivisions (a)(3) and (5) of this section in accordance with subchapter 3 of this chapter;

(B) the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund shall be administered by VEDA concerning loans to private entities for clean water projects in accordance with subchapter 4 of this chapter; and

(C) the Vermont Wastewater and Potable Water Revolving Loan Fund may be administered by a community development financial institution, as that term is defined in 12 U.S.C. § 4702, that is contracted with by the State for the purpose of providing loans to individuals for failed wastewater systems and potable water supplies under subdivision (a)(10) of this section in accordance with section 4763b of this chapter.

(3) The funds shall be invested in the same manner as permitted for investment of funds belonging to the State or held in the Treasury.

(4) The funds shall consist of the following:

~~(1)~~(A) such sums as may be appropriated or transferred thereto from time to time by the General Assembly, the State Emergency Board, or the Joint Fiscal Committee during such times as the General Assembly is not in session;

~~(2)~~(B) principal and interest received from the repayment of loans made from each of such funds;

~~(3)~~(C) capitalization grants and awards made to the State by the United States of America for any of the purposes for which such funds have been established;

~~(4)~~(D) interest earned from the investment of fund balances;

~~(5)~~(E) private gifts, bequests, and donations made to the State for any of the purposes for which such funds have been established; and

~~(6)~~(F) other funds from any public or private source intended for use for any of the purposes for which such funds have been established.

* * *

Sec. 2. 24 V.S.A. § 4755 is amended to read:

§ 4755. LOAN; LOAN AGREEMENTS; GENERAL PROVISIONS

(a) Except as provided by subsection (c) of this section, the Bond Bank may make loans to a municipality on behalf of the State for one or more of the purposes set forth in section 4754 of this chapter. Each of the loans shall be made subject to the following conditions and limitations:

* * *

(4) Notwithstanding any other provisions of law, municipal legislative bodies may execute notes and incur debt on behalf of municipalities:

(A) with voter approval at a duly warned meeting, for amounts less than \$75,000.00;

(B) by increasing previously approved bond authorizations by up to \$75,000.00 to cover unanticipated project costs or the cost of directly and functionally related enhancements; ~~or~~

(C) without voter approval for a natural resources project under the sponsorship program, as defined in section 4752 of this title, provided that:

(i) the amount of the debt incurred does not exceed an amount to be forgiven or cancelled upon the completion of the project; and

(ii) the municipality obtains voter approval for the paired water pollution abatement and control facilities project under the sponsorship program, pursuant to the requirements set forth in chapter 53 of this title; or

(D) without voter approval for municipal clean water and public water supply system projects receiving loan forgiveness, provided that the amount of debt incurred does not exceed the amount to be forgiven or cancelled upon completion of the project.

* * *

Sec. 3. 24 V.S.A. § 4763c is amended to read:

§ 4763c. LOANS TO MUNICIPALITIES FOR MUNICIPAL PUBLIC

WATER SUPPLY SYSTEMS

(a) The Secretary may certify to the Vermont Municipal Bond Bank established by section 4571 of this title the award of a loan to a municipality to assist with a public water supply system project, when the Secretary finds that:

* * *

(b) The certification by the Secretary shall specify the interest rate, and indicate which of the following loan conditions concerning construction loans apply:

(1) The term shall not exceed 30 years, and the annual interest rate, plus the administrative fee, shall be ~~no~~ not more than three percent or less than zero percent, except that when the applicant municipality is disadvantaged as defined by subdivision 4752(12)(A) of this title, the term shall not exceed 40 years. When the applicant municipality is disadvantaged as defined in subdivision 4752(12), the annual interest rate, plus the administrative fee, shall be ~~no~~ not less than minus three percent.

* * *

Sec. 4. 24 V.S.A. § 4765 is amended to read:

§ 4765. APPLICATION FOR LOANS TO MUNICIPALITIES

* * *

Sec. 5. 24 V.S.A. § 4771 is amended to read:

§ 4771. CONDITIONS OF LOAN AGREEMENT

(a) VEDA may make loans to applicants on behalf of the State for one or more of the purposes set forth in subsection 4770(b) of this title. Each such loan shall be made subject to the following conditions:

(1) The loan shall be evidenced by a note payable over a term not to exceed ~~20~~ 30 years. Repayment shall commence ~~no~~ not later than one year after completion of the project for which loan funds have been applied.

* * *

(5)(A) Notwithstanding subdivision (4) of this subsection, a privately owned nonprofit community type system may qualify for a ~~30-year~~ 40-year loan term at an interest rate, plus administrative fee, to be established by the Secretary of Natural Resources that shall be ~~no~~ not more than three percent or less than minus three percent, provided that the applicant system meets the income level and annual household user cost requirements of a disadvantaged municipality as defined in ~~10 V.S.A. § 1571(9)(A)~~ subdivision 4752(12)(A) of

this title, and at least 80 percent of the residential units served by the water system is continuously occupied by local residents and at least 80 percent of the water produced is for residential use.

* * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

(**Committee Vote: 10-0-1**)

H. 723

An act relating to health insurance coverage for store-and-forward telemedicine

Rep. Houghton of Essex, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. TELEHEALTH EXPANSION; LEGISLATIVE INTENT

It is the intent of the General Assembly to increase Vermonters' access to health care services through an expansion of telehealth services without increasing social isolation or supplanting the role of local, community-based health care providers throughout rural Vermont.

Sec. 2. 8 V.S.A. § 4100k is amended to read:

§ 4100k. COVERAGE OF HEALTH CARE SERVICES DELIVERED THROUGH TELEMEDICINE AND BY STORE-AND-FORWARD MEANS

(a)(1) All health insurance plans in this State shall provide coverage for health care services and dental services delivered through telemedicine by a health care provider at a distant site to a patient at an originating site to the same extent that the plan would cover the services if they were provided through in-person consultation.

(2)(A) A health insurance plan shall provide the same reimbursement rate for services billed using equivalent procedure codes and modifiers, subject to the terms of the health insurance plan and provider contract, regardless of whether the service was provided through an in-person visit with the health care provider or through telemedicine.

(B) The provisions of subdivision (A) of this subdivision (2) shall not apply to services provided pursuant to the health insurance plan's contract with a third-party telemedicine vendor to provide health care or dental

services.

(b) A health insurance plan may charge a deductible, co-payment, or coinsurance for a health care service or dental service provided through telemedicine ~~so~~ as long as it does not exceed the deductible, co-payment, or coinsurance applicable to an in-person consultation.

(c) A health insurance plan may limit coverage to health care providers in the plan's network. A health insurance plan shall not impose limitations on the number of telemedicine consultations a covered person may receive that exceed limitations otherwise placed on in-person covered services.

(d) Nothing in this section shall be construed to prohibit a health insurance plan from providing coverage for only those services that are medically necessary and are clinically appropriate for delivery through telemedicine, subject to the terms and conditions of the covered person's policy.

~~(e) A health insurance plan may reimburse for teleophthalmology or teledermatology provided by store and forward means and may require the distant site health care provider to document the reason the services are being provided by store and forward means~~

(1) A health insurance plan shall reimburse for health care services and dental services delivered by store-and-forward means.

(2) A health insurance plan shall not impose more than one cost-sharing requirement on a patient for receipt of health care services or dental services delivered by store-and-forward means. If the services would require cost-sharing under the terms of the patient's health insurance plan, the plan may impose the cost-sharing requirement on the services of the originating site health care provider or of the distant site health care provider, but not both.

(f) A health insurer shall not construe a patient's receipt of services delivered through telemedicine or by store-and-forward means as limiting in any way the patient's ability to receive additional covered in-person services from the same or a different health care provider for diagnosis or treatment of the same condition.

(g) Nothing in this section shall be construed to require a health insurance plan to reimburse the distant site health care provider if the distant site health care provider has insufficient information to render an opinion.

~~(g)~~(h) In order to facilitate the use of telemedicine in treating substance use disorder, when the originating site is a health care facility, health insurers and the Department of Vermont Health Access shall ensure that the health care provider at the distant site and the health care facility at the originating site are both reimbursed for the services rendered, unless the health care providers at

both the distant and originating sites are employed by the same entity.

(h)(i) As used in this subchapter:

* * *

(2) “Health insurance plan” means any health insurance policy or health benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402, as well as a stand-alone dental plan or policy or other dental insurance plan offered by a dental insurer, and Medicaid and any other public health care assistance program offered or administered by the State or by any subdivision or instrumentality of the State. The term does not include policies or plans providing coverage for a specified disease or other limited benefit coverage.

* * *

(4) “Health care provider” means a person, partnership, or corporation, other than a facility or institution, that is licensed, certified, or otherwise authorized by law to provide professional health care services, including dental services, in this State to an individual during that individual’s medical care, treatment, or confinement.

* * *

(6) “Store and forward” means an asynchronous transmission of medical information, such as one or more video clips, audio clips, still images, x-rays, magnetic resonance imaging scans, electrocardiograms, electroencephalograms, or laboratory results, sent over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104–191 to be reviewed at a later date by a health care provider at a distant site who is trained in the relevant specialty and by which. In store and forward, the health care provider at the distant site reviews the medical information without the patient present in real time and communicates a care plan or treatment recommendation back to the patient or referring provider, or both.

(7) “Telemedicine” means the delivery of health care services, including dental services, such as diagnosis, consultation, or treatment through the use of live interactive audio and video over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191. Telemedicine does not include the use of audio-only telephone, e-mail, or facsimile.

Sec. 3. 18 V.S.A. § 9361 is amended to read:

§ 9361. HEALTH CARE PROVIDERS DELIVERING HEALTH CARE
SERVICES THROUGH TELEMEDICINE OR BY STORE AND

FORWARD STORE-AND-FORWARD MEANS

* * *

(c)(1) A health care provider delivering health care services or dental services through telemedicine shall obtain and document a patient's oral or written informed consent for the use of telemedicine technology prior to delivering services to the patient.

(A) The informed consent for telemedicine services shall be provided in accordance with Vermont and national policies and guidelines on the appropriate use of telemedicine within the provider's profession and shall include, in language that patients can easily understand:

(i) an explanation of the opportunities and limitations of delivering health care services or dental services through telemedicine;

(ii) informing the patient of the presence of any other individual who will be participating in or observing the patient's consultation with the provider at the distant site and obtaining the patient's permission for the participation or observation; and

(iii) assurance that all services the health care provider delivers to the patient through telemedicine will be delivered over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

* * *

~~(e) A patient receiving teleophthalmology or teledermatology by store and forward means shall be informed of the right to receive a consultation with the distant site health care provider and shall receive a consultation with the distant site health care provider upon request. If requested, the consultation with the distant site health care provider may occur either at the time of the initial consultation or within a reasonable period of time following the patient's notification of the results of the initial consultation. Receiving teledermatology or teleophthalmology by store and forward means~~

(1) A patient receiving health care services or dental services by store-and-forward means shall be informed of the patient's right to refuse to receive services in this manner and to request services in an alternative format, such as through real-time telemedicine services or an in-person visit.

(2) Receipt of services by store-and-forward means shall not preclude a patient from receiving real-time real-time telemedicine or face-to-face services or an in-person visit with the distant site health care provider at a future date.

(3) Originating site health care providers involved in the store-and

~~forward~~ store-and-forward process shall obtain informed consent from the patient as described in subsection (c) of this section.

Sec. 4. TELEMEDICINE REIMBURSEMENT; SUNSET

8 V.S.A. § 4100k(a)(2) (telemedicine reimbursement) is repealed on January 1, 2026.

Sec. 5. EFFECTIVE DATE

This act shall take effect on January 1, 2021.

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

(Committee Vote: 11-0-0)

H. 754

An act relating to restructuring and reorganizing General Assembly staff offices

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

* * * Sergeant at Arms * * *

Sec. 1. 2 V.S.A. chapter 3 is amended to read:

CHAPTER 3. SERGEANT AT ARMS

* * *

§ 62. LEGISLATIVE DUTIES

(a) The Sergeant at Arms shall:

(1) execute orders of either house, the Joint Legislative Management Committee, the Committee on Joint Rules, or the House or Senate Committee on Rules;

* * *

(d) The Sergeant at Arms and employees of the Sergeant at Arms shall seek guidance from and operate in accordance with policies adopted by the Joint Legislative Management Committee.

§ 63. ~~SALARY~~

~~(a) The salary for a newly elected Sergeant at Arms shall be set by the Joint Rules Committee and annually thereafter, this compensation shall be adjusted in accordance with any annual increase provided for legislative employees,~~

~~unless otherwise determined by the Joint Rules Committee.~~

~~(b) [Repealed.]~~

§ 64. EMPLOYMENT OF ASSISTANTS; CAPITOL POLICE; TRAINING;
UNIFORMS AND EQUIPMENT

~~(a) The Sergeant at Arms may, subject to the rules of the General Assembly, employ such employees as may be needed to carry out the Sergeant at Arms' duties. These may include assistants, custodians, doorkeepers, guides, messengers, mail and room assignment clerks, security guards, and pages, and other staff as needed to carry out the Sergeant at Arms' duties, except that requests for new, permanent positions shall be subject to the approval of the Joint Legislative Management Committee. Compensation for such employees shall be determined by the Joint Rules Committee, except that prior to the beginning of any legislative session, compensation for a person who fills the same temporary position that he or she filled during the preceding session and, in the case of a person newly employed to fill a temporary position, the rate of compensation shall be established initially by the Sergeant at Arms at a rate not to exceed the rate established for the person who held that position during the preceding legislative session. Persons employed under this section shall be paid in the same manner as members of the General Assembly. The Commissioner of Finance and Management shall issue his or her warrant in payment of compensation approved under this section.~~

~~(b) All individuals employed by the Sergeant at Arms shall be subject to the personnel policies adopted by the Joint Legislative Management Committee.~~

~~(c) The provisions of 3 V.S.A. chapter 13 (classification of State personnel) shall not apply to employees of the Sergeant at Arms unless this exception is partially or wholly waived by the Joint Rules Committee consistent with the rules of the General Assembly. Any waiver may subsequently be rescinded in whole or in part Joint Legislative Management Committee.~~

* * *

§ 68. BUDGET

The Sergeant at Arms shall propose a budget for the Office of Sergeant at Arms to the Joint Legislative Management Committee.

* * *

§ 70. CAPITOL POLICE DEPARTMENT

* * *

(d) Strategic plan. The Sergeant at Arms, in consultation with the Chief, shall prepare, maintain, and update, at least biennially, a strategic plan for the Capitol Police Department, which shall be subject to review and approval by the Joint Legislative Management Committee.

* * * Office of Legislative Counsel * * *

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

CHAPTER 13. OFFICE OF LEGISLATIVE SERVICES COUNSEL

Subchapter 4 1. Legislative Council Office of Legislative Counsel

§ 401. CREATION AND PURPOSE

~~A Legislative Council~~ The Office of Legislative Counsel is created as a permanent agency to serve the General Assembly with ~~a professional staff and secretarial~~ nonpartisan legislative drafting, research, and other professional legal and editorial services.

§ 402. MEMBERSHIP DIRECTOR AND CHIEF COUNSEL; EMPLOYEES

~~(a) The Legislative Council shall consist of:~~

~~(1) The President Pro Tempore of the Senate and three members of the Senate appointed by the President.~~

~~(2) The Speaker of the House and three members of the House appointed by the Speaker.~~

~~(b) Members shall serve a term of two years or until their successors are appointed. The term of a member shall end upon his or her ceasing to be a member of the General Assembly.~~

~~(c) Interim vacancies may be filled by appointment by the President of the Senate or the Speaker of the House in the same manner as in subsection (a) of this section.~~

~~(d) The members shall be appointed from the political parties in the general proportion to the membership of each party in each house.~~

~~(e) Appointments shall be made biennially at the same time as standing committees.~~

(a) The Joint Legislative Management Committee shall employ an individual to be the Director and Chief Counsel of the Office of Legislative Counsel. The Committee may conduct the hiring process itself or it may delegate this duty to a special hiring committee comprising an equal number of members from the House and Senate, not all of whom shall be from the same political party; however, the Joint Legislative Management Committee shall

make the final hiring decision.

(b)(1) The Director and Chief Counsel shall employ legal, editorial, and other professional staff as needed to carry out the duties of the Office of Legislative Counsel, except that requests for new, permanent positions shall be subject to the approval of the Joint Legislative Management Committee.

(2) All individuals employed by the Office of Legislative Counsel shall be subject to the personnel policies adopted by the Joint Legislative Management Committee.

(3) The provisions of 3 V.S.A. chapter 13 (classification of State personnel) shall not apply to employees of the Office of Legislative Counsel.

§ 403. ORGANIZATION; EXPENSES FUNCTIONS; CONFIDENTIALITY

~~(a) The Legislative Council shall meet immediately following the appointment of its membership to elect a chair and a vice chair and to organize and conduct its business. The members of the Council shall adopt rules for the organization of the Council and the operation of its personnel. The Council may meet as often as it deems necessary, and a majority of the members shall constitute a quorum for the transaction of business. Meetings may be called by the Chair or by a majority of the members.~~

~~(b) The Legislative Council shall employ such professional and secretarial staff as are required to carry out its functions and fix their compensation. 3 V.S.A. chapter 13 shall not apply to employees of the Council unless this exception is partially or wholly waived by the Council.~~

~~(c) After July 1, 1972, all of the expenses of the Legislative Council shall be charged to the legislative appropriation, and the Council shall prepare a detailed Legislative Council budget generally in the format of departmental budgets.~~

(a) The Office of Legislative Counsel shall provide legal services to the General Assembly and its staff, including:

(1) drafting bills, resolutions, amendments, and other legal documents;

(2) providing legal research and analysis in relation to current or anticipated legislative matters;

(3) providing policy analysis of current or anticipated legislative matters;

(4) maintaining a reference library;

(5) maintaining confidential documents and other confidential materials provided to or generated by the Office in the course of business;

(6) providing contracting and other legal services to the Joint Legislative Management Committee and other legislative offices; and

(7) furnishing such other information and legal assistance with respect to legislative matters as may be required by a member, member-elect, committee or similar entity of the General Assembly, a chamber of the General Assembly, or the General Assembly as a whole, in the performance of its duties.

(b)(1) All requests for legal assistance, information, and advice from the Office of Legislative Counsel, all information received in connection with research or drafting, and all confidential materials provided to or generated by the Office shall remain confidential unless the party requesting or providing the information or material designates that it is not confidential.

(2) Recordings and minutes of committee meetings, bills and amendments that have been approved for printing or introduction, and material appearing in the journals or calendars of either house are official documents and materials and shall not be confidential under this subsection.

~~(d) The Legislative Council shall have its offices in the State House.~~

~~(e) For attending a meeting of the Legislative Council when he or she is not receiving compensation as a member of the General Assembly, a member of the Legislative Council shall be entitled to the same per diem compensation and reimbursement for necessary expenses as provided members of standing committees under 2 V.S.A. § 406.~~

§ 404. FUNCTIONS BUDGET

~~(a) The Legislative Council shall direct, supervise, and coordinate the work of its staff and secretaries.~~

~~(b) The Legislative Council shall:~~

- ~~(1) furnish research services in relation to legislative problems;~~
- ~~(2) furnish drafting services for bills, resolutions, and amendments;~~
- ~~(3) establish and maintain a reference library;~~

~~(4) furnish such other information and legal assistance respecting legislative matters as may be required by a committee of either house, a joint committee of the General Assembly, or a member-elect of the General Assembly;~~

~~(5) appoint one or more persons to serve as staff for a standing committee of either house or any group of standing committees of the House and Senate;~~

~~(6) except when the General Assembly is in session and upon the request of any person, provide him or her, on a weekly basis, with a list of all public hearings or meetings scheduled by a council, committee, subcommittee, commission, or study committee of the General Assembly or any cancellations of hearings or meetings thereof previously scheduled;~~

~~(7) keep minutes of its meetings and shall maintain a file thereof.~~

~~(c) All requests for legal assistance, information, and advice and all information received in connection with research or drafting shall be confidential unless the party requesting or giving the information designates in the request that it is not confidential. Transcripts and minutes of committee meetings, including written testimony submitted to the committee, bills or amendments that have been released or approved for printing or introduction, and material appearing in the journals or calendars of either house are official documents and shall not be confidential under this subsection.~~

The Director and Chief Counsel shall propose a budget for the Office of Legislative Counsel to the Joint Legislative Management Committee.

§ 405. INTERGOVERNMENTAL COOPERATION

For the purposes of carrying out its duties, the ~~Legislative Council and its staff~~ Office of Legislative Counsel shall have access to and the right to copy any public record of all executive, administrative, and judicial departments of the State, except income and franchise tax returns and other documents classified as confidential by law.

* * *

Subchapter 5 2. Statutory Revision

§ 421. ~~LEGISLATIVE COUNCIL~~ OFFICE OF LEGISLATIVE COUNSEL;

STATUTORY PUBLICATION AND REVISION DUTIES

(a) The ~~Legislative Council~~ Office of Legislative Counsel shall continuously maintain and update a formal topical revision of existing permanent statutory law to be known as the Vermont Statutes Annotated. The topical revision shall be arranged in a systematic and annotated form that is consolidated into the smallest practical number of volumes and indexes.

(b) The ~~Legislative Council~~ Office of Legislative Counsel, on behalf of the State of Vermont, shall hold the copyright to the Vermont Statutes Annotated.

§ 422. CONTRACT FOR PREPARATION OF VERMONT STATUTES

ANNOTATED

(a) The ~~Legislative Council~~ Office of Legislative Counsel shall contract with a competent legal publisher to revise and publish the Vermont Statutes Annotated.

(b) The contract for publishing the Vermont Statutes Annotated shall provide for the annual editing and publishing of cumulative pocket part supplements after each biennial and adjourned legislative session for the duration of the contract. The cumulative pocket part supplements shall include all the codified laws that were enacted during the concluded biennial or adjourned session of the General Assembly, and during any special session that has occurred since the last annual publication. Each edition of the cumulative pocket part supplements to the Vermont Statutes Annotated shall include all annotations of constructions of the Vermont Supreme Court of the ~~State of Vermont~~ and all federal courts of the United States, available at the closing date of each edition of the pocket parts.

(c) The contracted publisher shall, as provided in the contract, ~~or as statutorily directed by the General Assembly,~~ publish replacement volumes of existing titles, or separate volumes of new titles, of the Vermont Statutes Annotated.

§ 423. ACCEPTANCE AS EVIDENCE OF LAW

(a) The ~~Legislative Council~~ Office of Legislative Counsel shall require the contracted publisher to deliver the cumulative pocket parts and separate supplements to the Vermont Statutes Annotated prior to the convening of the next session of the General Assembly, which shall include a certificate of authenticity that the ~~Legislative Council~~ Office of Legislative Counsel shall issue. The certificate shall entitle the statutes contained in the cumulative pocket parts and separate supplements to admission in all the courts of Vermont as prima facie evidence of the law, ~~and may be cited as "V.S.A."~~.

(b) The ~~Legislative Council~~ Office of Legislative Counsel shall require the contracted publisher to deliver new and replacement volumes of the Vermont Statutes Annotated with a certificate of authenticity that the ~~Legislative Council~~ Office of Legislative Counsel shall issue. The certificate shall entitle the statutes contained in the new and replacement volumes to admission in all the courts of Vermont as prima facie evidence of the law, ~~and may be cited as "V.S.A."~~.

(c) A certificate of authority issued by the Statutory Revision Commission pursuant to the authority of the former 1 V.S.A. § 4 shall continue to entitle a cumulative pocket part and separate supplement, or a new and replacement volume, for which it was issued to admission in all the courts of Vermont as prima facie evidence of the law ~~and may be cited as "V.S.A."~~.

(d) The Vermont Statutes Annotated may be cited as “V.S.A.”

§ 424. ~~LEGISLATIVE COUNCIL~~ OFFICE OF LEGISLATIVE COUNSEL;
REVISION AUTHORITY

In preparing an individual act for codification in the Vermont Statutes Annotated or publication in the Acts and Resolves, the ~~Legislative Council~~ Office of Legislative Counsel may not alter the sense, meaning, or effect of any act of the General Assembly, but it may:

* * *

§ 425. STATUTORY DATABASES

(a) ~~The Legislative Council~~ Office of Legislative Counsel, in collaboration with the Office of Legislative Information Technology, shall maintain computerized databases of the Vermont Statutes Annotated, which shall be posted on the General Assembly’s website. The databases shall include the enactment history of a codified statutory section, but shall not maintain the revisor’s notes, the judicial annotations added by the publisher, or the Acts and Resolves. ~~The Legislative Council shall post these databases on the website of the Vermont General Assembly.~~

§ 426. ANNUAL STATUTORY REVISION LEGISLATION

Annually, by on or before February 1, the ~~Legislative Council~~ Office of Legislative Counsel may prepare and submit to the General Assembly a bill that proposes recommendations of any additions, repeals, or amendments to the existing statutes.

* * * Joint Legislative Management Committee * * *

Sec. 3. 2 V.S.A. chapter 14 is redesignated and amended to read:

CHAPTER 14 2. JOINT LEGISLATIVE MANAGEMENT COMMITTEE

§ ~~451~~ 41. CREATION OF COMMITTEE; PURPOSE

(a) Creation. There is created the Joint Legislative Management Committee. The Committee shall provide general oversight and management across the offices of the General Assembly and shall coordinate the operations of the Office of Legislative Operations in its delivery of shared administrative services to the legislative offices and the Legislature ~~General Assembly~~.

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

(1) four members of the House, which shall include ~~representatives of the Legislative Council Committee~~, representation from the Joint Fiscal

Committee, and the House Rules Committee, and shall consist of:

(A) the Speaker of the House; and

(B) three members of the House appointed by the Speaker, not all from the same political party; and

(2) four members of the Senate, which shall include ~~representatives of the Legislative Council Committee,~~ representation from the Joint Fiscal Committee, and the Senate Rules Committee, and shall consist of:

(A) the President Pro Tempore; and

(B) three members of the Senate appointed by the Committee on Committees, not all from the same political party.

(c) Appointments and terms.

(1) Appointments shall be made biennially at the same time as standing committees.

(2) Members shall serve a term of two years or until their successors are appointed. The term of a member shall end upon his or her ceasing to be a member of the General Assembly.

~~(d)~~(3) Interim vacancies may be filled by appointment by the Committee on Committees or the Speaker of the House in the same manner as in subsection (b) of this section.

~~(e) Initial appointments shall be made upon passage of this act, with initial terms concluding at the time new appointments to the Committee are made in January 2021.~~

~~(f) Subsequent appointments shall be made biennially at the same time as standing committees.~~

~~(g)~~(d) Meetings. The Committee shall meet immediately following the appointment of its membership to elect a chair and a vice chair and to organize and conduct its business. The Committee may meet as often as it deems necessary and a majority of the members shall constitute a quorum for the transaction of business. Meetings may be called by the Chair or by a majority of the members.

~~(h)~~(e) Compensation; reimbursement. For attending a meeting of the Committee when he or she is not receiving compensation as a member of the General Assembly, a member of the Committee shall be entitled to the same per diem compensation and reimbursement for necessary expenses as provided members of standing committees under section 406 23 of this title.

§ 42. OVERSIGHT AND MANAGEMENT FUNCTIONS

(a) The Joint Legislative Management Committee shall:

(1) prepare a proposed budget for the Legislative Branch that includes a budget for each legislative office;

(2) approve requests for new, permanent positions in staff offices as appropriate, for inclusion in the proposed Legislative Branch budget;

(3) approve the reallocation of existing positions among staff offices, as appropriate;

(4) approve and adopt policies that apply across the Legislative Branch, including compensation and benefits plans, personnel policies, and policies relating to information technology; and

(5) attend to other relevant management and oversight matters.

(b) The Joint Legislative Management Committee shall have access to legal, financial, administrative, information technology, and other services from legislative offices as needed to serve the needs of the Legislative Branch.

Sec. 4. JOINT LEGISLATIVE MANAGEMENT COMMITTEE;

CONCLUSION OF INITIAL TERMS

The terms of the members appointed to the Joint Legislative Management Committee in 2019 shall conclude in January 2021 at the time the new appointments to the Committee are made.

* * * Joint Fiscal Office * * *

Sec. 5. 2 V.S.A. chapter 15 is amended to read:

CHAPTER 15. JOINT FISCAL COMMITTEE; JOINT FISCAL OFFICE

Subchapter 1. Joint Fiscal Committee

§ 501. CREATION OF COMMITTEE; PURPOSE

(a) There is created a Joint Fiscal Committee whose membership shall be appointed on or before January 15 of each biennial session of the General Assembly. The Committee shall consist of five Representatives and five Senators as follows:

- (1) ~~The~~ the Chair of the House Committee on Appropriations;
- (2) ~~The~~ the Chair of the House Committee on Ways and Means;
- (3) ~~The~~ the Chair of the Senate Committee on Appropriations;
- (4) ~~The~~ the Chair of the Senate Committee on Finance;

(5) ~~Two~~ two members of the House, ~~one from each major~~ not both from the same political party, appointed by the Speaker of the House;

(6) ~~Two~~ two members of the Senate, ~~one from each major~~ not both from the same political party, appointed by the Committee on Committees; and

(7) ~~One~~ one member of the Senate to be appointed by the Committee on Committees and one member of the House to be appointed by the Speaker.

(b) The Joint Fiscal Committee shall meet immediately following the appointment of its membership to organize and conduct its business. The Committee shall elect a chair, vice chair, and clerk and shall adopt rules of procedure. The Committee may meet at any time at the call of the Chair or a majority of the members of the Committee. A majority of the membership shall constitute a quorum.

(c) For attendance at a meeting when the General Assembly is not in session, members of the Joint Fiscal Committee shall be entitled to the same per diem compensation and reimbursement for actual and necessary expenses as provided members of standing committees under section 406 23 of this title.

§ 502. ~~EMPLOYEES; RULES; BUDGET~~

~~(a) The Joint Fiscal Committee shall meet immediately following the appointment of its membership to organize and conduct its business. The Joint Fiscal Committee shall adopt rules for the operation of its personnel.~~

~~(b) The Joint Fiscal Committee shall employ such professional and secretarial staff as are required to carry out its functions and fix their compensation~~

~~(1) 3 V.S.A. chapter 13, shall not apply to employees of the Joint Fiscal Committee unless this exception is partially or wholly waived by the Joint Fiscal Committee.~~

~~(2) All requests for assistance, information, and advice and all information received in connection with fiscal research or related drafting shall be confidential unless the party requesting or giving the information designates in the request that it is not confidential. Documents, transcripts, and minutes of committee meetings, including written testimony submitted to a committee, fiscal notes and summaries which have been released or approved for printing or introduction, and material appearing in the journals or calendars of either house are official documents and shall not be confidential under this subsection.~~

~~(c) The Joint Fiscal Committee shall prepare a budget. [Repealed.]~~

§ 503. FUNCTIONS

~~(a) The Joint Fiscal Committee shall direct, supervise, and coordinate the work of its staff and secretaries.~~

(b) The Joint Fiscal Committee shall:

~~(1) furnish research services and secretarial services of a fiscal nature to the House and Senate Committees on Appropriations, the Senate Committee on Finance, the House Committee on Ways and Means, the House and Senate Committees on Transportation, and the Joint Fiscal Committee; hire the Chief Fiscal Officer;~~

~~(2) carry on a continuing review of the fiscal operations of the State, including revenues, budgeting, and expenditures;~~

~~(3) accept grants and approve any related limited service positions, gifts, loans, or any other thing of value, approved by the Governor, under the provisions of 32 V.S.A. § 5, when the General Assembly is not in session;~~

~~(4) establish prioritization for the work of the Joint Fiscal Office; and~~

~~(4)(5) keep minutes of its meetings and maintain a file thereof.~~

§ 504. INTERGOVERNMENTAL COOPERATION

~~For the purposes of carrying out its duties, the Joint Fiscal Committee and its staff shall have access to and the right to copy any public record of all executive, administrative, and judicial Departments of the State, except income and franchise tax returns and other documents classified as confidential by law. [Repealed.]~~

* * *

Subchapter 2. Joint Fiscal Office

§ 521. CREATION AND PURPOSE

The Joint Fiscal Office is created as a permanent agency to provide the General Assembly with services relating to the fiscal operations of the State, including revenues, budgeting, and expenditures.

§ 522. CHIEF FISCAL OFFICER; EMPLOYEES

(a)(1) The Joint Fiscal Committee shall employ an individual to be the Chief Fiscal Officer of the Joint Fiscal Office.

(2) The Chief Fiscal Officer shall employ fiscal, research, and other professional staff as needed to carry out the duties of the Joint Fiscal Office, except that requests for new, permanent positions shall be subject to the approval of the Joint Legislative Management Committee.

(b) All individuals employed by the Joint Fiscal Office shall be subject to

the personnel policies adopted by the Joint Legislative Management Committee.

(c) The provisions of 3 V.S.A. chapter 13 (classification of State personnel) shall not apply to employees of the Joint Fiscal Office unless this exception is partially or wholly waived by the Joint Legislative Management Committee.

§ 523. FUNCTIONS; CONFIDENTIALITY

(a) The Joint Fiscal Office shall furnish:

(1) nonpartisan research and administrative services of a fiscal nature to the Joint Fiscal Committee and, at the direction of the Joint Fiscal Committee, to the House and Senate Committees on Appropriations, the Senate Committee on Finance, the House Committee on Ways and Means, the House and Senate Committees on Transportation, the House Committee on Corrections and Institutions, and the Senate Committee on Institutions;

(2) nonpartisan research and administrative services of a fiscal nature to other legislative committees and members of the General Assembly, to the extent practicable; and

(3) fiscal and budget assistance to the Joint Legislative Management Committee and to the other legislative offices.

(b)(1) All requests for assistance, information, and advice from the Joint Fiscal Office, all information received in connection with fiscal research or related drafting, and all confidential materials provided to or generated by the Joint Fiscal Office shall remain confidential unless the party requesting or providing the information designates that it is not confidential.

(2) Recordings and minutes of committee meetings and material appearing in the journals or calendars of either house are official documents and materials and shall not be confidential under this subsection.

§ 524. BUDGET

The Chief Fiscal Officer shall propose a budget for the Joint Fiscal Office to the Joint Legislative Management Committee.

§ 525. INTERGOVERNMENTAL COOPERATION

For the purposes of carrying out its duties, the Joint Fiscal Office shall have access to and the right to copy any public record of all executive, administrative, and judicial Departments of the State, except income and franchise tax returns and other documents classified as confidential by law unless permitted under 32 V.S.A. § 3102.

* * * Office of Human Resources * * *

Sec. 6. 2 V.S.A. chapter 14 is added to read:

CHAPTER 14. OFFICE OF HUMAN RESOURCES

§ 461. CREATION AND PURPOSE

The Office of Human Resources is created as a permanent agency to service the members and employees of the General Assembly with nonpartisan human resources services.

§ 462. DIRECTOR; EMPLOYEES

(a) The Joint Legislative Management Committee shall employ an individual with experience and expertise in human resources management to be the Director of Human Resources. The Committee may conduct the hiring process itself or may delegate this duty to a special hiring committee comprising an equal number of members from the House and Senate, not all of whom shall be from the same political party; however, the Joint Legislative Management Committee shall make the final hiring decision.

(b)(1) The Director of Human Resources shall employ human resources and other professional staff as needed to carry out the duties of the Office of Human Resources, except that requests for new, permanent positions shall be subject to the approval of the Joint Legislative Management Committee.

(2) All individuals employed by the Office of Human Resources shall be subject to the personnel policies adopted by the Joint Legislative Management Committee.

(3) The provisions of 3 V.S.A. chapter 13 (classification of State personnel) shall not apply to employees of the Office of Human Resources.

§ 463. FUNCTIONS

The Office of Human Resources shall provide human resources services to members of the General Assembly and legislative employees, including:

(1) developing, in consultation with the heads of the other legislative offices, compensation and benefits plans and personnel policies for legislative offices and employees for Joint Legislative Management Committee approval and providing advice, guidance, and technical assistance in the administration of these plans and policies;

(2) providing training on topics such as the prevention of harassment and discrimination, implicit bias, time management, and other workplace issues;

(3) providing job recruitment services to other legislative offices;

(4) providing performance evaluation services to other legislative offices;

(5) providing advice and guidance to legislative employees, supervisors, and members of the General Assembly regarding labor and employment laws, policies, and practices;

(6) coordinating legislative internship opportunities, including registering legislative interns and developing and implementing internship policies and procedures; and

(7) developing processes for investigating and resolving disputes and other interpersonal issues involving members of the General Assembly or legislative employees, or both;

(8) investigating and resolving, and providing guidance and assistance with investigating and resolving, employee disputes and other personnel matters; and

(9) providing guidance and assistance with investigating and resolving conflicts involving members of the General Assembly.

§ 464. BUDGET

The Director of Human Resources shall propose a budget for the Office of Human Resources to the Joint Legislative Management Committee.

§ 465. INTERGOVERNMENT COOPERATION

For the purposes of carrying out its duties, the Office of Human Resources shall have access to and the right to copy any public record of all executive, administrative, and judicial departments of the State, except income and franchise tax returns and other documents classified as confidential by law.

* * * Office of Legislative Operations * * *

Sec. 7. 2 V.S.A. chapter 16 is added to read:

CHAPTER 16. OFFICE OF LEGISLATIVE OPERATIONS

§ 551. CREATION AND PURPOSE

The Office of Legislative Operations is created as a permanent agency to serve the members and employees of the General Assembly with nonpartisan operational, financial, committee support, and other administrative services and to support the Joint Legislative Management Committee.

§ 552. DIRECTOR; EMPLOYEES

(a) The Joint Legislative Management Committee shall employ an individual with experience and expertise in administration or management to

be the Director of Legislative Operations. The Committee may conduct the hiring process itself or it may delegate this duty to a special hiring committee comprising an equal number of members from the House and Senate, not all of whom shall be from the same political party; however, the Joint Legislative Management Committee shall make the final hiring decision.

(b)(1) The Director of Legislative Operations shall employ administrative, committee services, and other professional staff as needed to carry out the duties of the Office of Legislative Operations, except that requests for new, permanent positions shall be subject to the approval of the Joint Legislative Management Committee.

(2) All individuals employed by the Office of Legislative Operations shall be subject to the personnel policies adopted by the Joint Legislative Management Committee.

(3) The provisions of 3 V.S.A. chapter 13 (classification of State personnel) shall not apply to employees of the Office of Legislative Operations.

§ 553. FUNCTIONS

The Office of Legislative Operations shall provide:

(1) administrative support to the Joint Legislative Management Committee;

(2) administrative support to other standing and interim legislative committees;

(3) payroll, billing, and expense reimbursement services to members of the General Assembly and, as needed, to other legislative offices and legislative employees; and

(4) other administrative and operational services as needed to support members of the General Assembly, legislative offices, and legislative employees.

§ 554. BUDGET

The Director of Legislative Operations shall propose a budget for the Office of Legislative Operations to the Joint Legislative Management Committee.

§ 555. INTERGOVERNMENTAL COOPERATION

For the purposes of carrying out its duties, the Office of Legislative Operations shall have access to and the right to copy any public record of all executive, administrative, and judicial departments of the State, except income and franchise tax returns and other documents classified as confidential by law.

* * * Office of Legislative Information Technology * * *

Sec. 8. 2 V.S.A. chapter 21 is added to read:

CHAPTER 21. OFFICE OF LEGISLATIVE INFORMATION
TECHNOLOGY

§ 701. CREATION AND PURPOSE

The Office of Legislative Information Technology is created as a permanent agency to serve the members and employees of the General Assembly with information technology resources and nonpartisan technology-related services.

§ 702. DIRECTOR; EMPLOYEES

(a) The Joint Legislative Management Committee shall employ an individual with experience and expertise in information technology to be the Director of Legislative Information Technology. The Committee may conduct the hiring process itself or it may delegate this duty to a special hiring committee comprising an equal number of members from the House and Senate, not all of whom shall be from the same political party; however, the Joint Legislative Management Committee shall make the final hiring decision.

(b)(1) The Director shall employ additional information technology staff as needed to carry out the duties of the Office of Legislative Information Technology, except that requests for new, permanent positions shall be subject to the approval of the Joint Legislative Management Committee.

(2) All individuals employed by the Office of Legislative Information Technology shall be subject to the personnel policies adopted by the Joint Legislative Management Committee.

(3) The provisions of 3 V.S.A. chapter 13 (classification of State personnel) shall not apply to employees of the Office of Legislative Information Technology unless this exception is partially or wholly waived by the Joint Legislative Management Committee.

§ 703. FUNCTIONS

The Office of Legislative Information Technology shall:

(1) design, support, and maintain the General Assembly's information systems;

(2) provide hardware, software, and customer support to members and employees of the General Assembly to enable them to fulfill their professional responsibilities; and

(3) ensure that legislative records created, received, stored, or

transmitted using information technology are maintained in accordance with the General Assembly's recordkeeping requirements.

§ 704. STRATEGIC PLAN FOR LEGISLATIVE INFORMATION

TECHNOLOGY

(a) The Director of Legislative Information Technology shall prepare, maintain, and update, at least biennially, a long-range strategic plan for information technology operations and services in the Legislative Branch.

(b) In preparing the plan, the Director or designee shall consult with members of the Joint Information Technology Oversight Committee, other members of the General Assembly, and employees of other legislative staff offices. In addition, the Director or designee may also consult with the State Archivist, representatives of the Executive and Judicial Branches, and members of the public.

(c) The strategic plan shall be subject to review and approval by the Joint Legislative Management Committee.

§ 705. BUDGET

The Director of Legislative Information Technology shall propose a budget for the Office of Legislative Information Technology to the Joint Legislative Management Committee.

Sec. 9. 2 V.S.A. § 614 is amended to read:

§ 614. JOINT INFORMATION TECHNOLOGY OVERSIGHT

COMMITTEE

(a) Creation. There is created the Joint Information Technology Oversight Committee to oversee investments in and use of information technology in Vermont and to provide periodic advice on legislative information technology issues.

* * *

(c) Powers and duties.

(1) The Committee shall oversee, evaluate, and make recommendations on the following:

(1)(A) the State's current deployment, management, and oversight of information technology in the furtherance of State governmental activities, including data processing systems, telecommunications networks, and related technologies, particularly with regard to issues of compatibility among existing and proposed technologies;

(2)(B) issues related to the storage of, maintenance of, access to, privacy of, and restrictions on use of computerized records;

(3)(C) issues of public policy related to the development and promotion of the private, commercial, and nonprofit information infrastructure in the State, its relationship to the State government information infrastructure, and its integration with national and international information networks; and

(4)(D) cybersecurity.

(2) The Committee may provide advice to the Director of Legislative Information Technology and the Joint Legislative Management Committee as appropriate regarding matters related to legislative information technology.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Office of Legislative ~~Council~~ Counsel, the Office of Legislative Operations, and the Joint Fiscal Office.

* * *

(f) Reimbursement. For attendance at meetings during adjournment of the General Assembly, members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to section 406 23 of this title.

* * * Redesignations * * *

Sec. 10. 29 V.S.A. chapter 6 is amended to read:

CHAPTER 6. CAPITOL COMPLEX COMMISSION

Subchapter 1. Capitol Complex Commission

§ 181. PURPOSE

* * *

Subchapter 2. Capitol Complex; Parking

* * *

Sec. 11. REDESIGNATIONS

(a) 2 V.S.A. § 71 (parking) is redesignated as 29 V.S.A. § 191 in 29 V.S.A. chapter 6, subchapter 2.

(b) 2 V.S.A. § 406 (standing committees; authority to meet; out-of-state business) is redesignated as 2 V.S.A. § 23.

(c) 2 V.S.A. § 505 (basic needs budget and livable wage; report) is redesignated as 2 V.S.A. § 526.

(d) 2 V.S.A. § 754 (contracts for Internet service) is redesignated as 2 V.S.A. § 705.

* * * Conforming Revisions * * *

Sec. 12. CONFORMING REVISIONS

When preparing the cumulative supplements and replacement volumes of the Vermont Statutes Annotated for publication, the Office of Legislative Counsel shall make the following revisions to these supplements and volumes as needed for consistency with this act, as long as the revisions have no other effect on the meaning of the affected statutes:

(1) replace “Legislative Council” and “Office of Legislative Council” with “Legislative Counsel” and “Office of Legislative Counsel” as appropriate;

(2) replace references to 2 V.S.A. § 406 (standing committees; authority to meet; out-of-state business) with 2 V.S.A. § 23 to reflect the redesignation of 2 V.S.A. § 406 pursuant to Sec. 11(b) of this act; and

(3) replace references to 2 V.S.A. § 505 (basic needs budget and livable wage; report) with 2 V.S.A. § 526 to reflect the redesignation of 2 V.S.A. § 505 pursuant to Sec. 11(c) of this act.

Sec. 13. 2 V.S.A. § 21(c) is amended to read:

(c) Official documents, as defined in ~~subsection 404(c)~~ subdivision 403(b)(2) of this title, shall be admissible under V.R.C.P. 44.

Sec. 14. 2 V.S.A. § 693(a) is amended to read:

(a) The Committee shall have the administrative, technical, and legal assistance of the ~~Legislative Council~~ Office of Legislative Counsel, the Office of Legislative Operations, and the Joint Fiscal Office.

Sec. 15. 2 V.S.A. § 801(f) is amended to read:

(f) The professional and clerical services of the Joint Fiscal Office, ~~the Office of Legislative Operations,~~ and the Office of Legislative ~~Council~~ Counsel shall be available to the Committee.

Sec. 16. 2 V.S.A. § 970(f) is amended to read:

(f) The staff services of the Joint Fiscal Office, ~~the Office of Legislative Operations,~~ and the Office of the Legislative ~~Council~~ Counsel shall be available to the Committee.

Sec. 17. 3 V.S.A. § 23(e) is amended to read:

(e) Staff services. The Commission shall be entitled to staff services of the Agency of Commerce and Community Development, the ~~Legislative Council~~

Office of Legislative Counsel, the Office of Legislative Operations, and the Joint Fiscal Committee Office.

Sec. 18. 3 V.S.A. § 268(d) is amended to read:

(d) Assistance. The Commission shall have the administrative, technical, and legal assistance of the Office of Legislative Council Counsel, the Office of Legislative Operations, the Joint Fiscal Office, and the Agency of Administration.

Sec. 19. 3 V.S.A. § 311(a) is amended to read:

(a) The classified service to which this chapter shall apply shall include all positions and categories of employment by the State, except as otherwise provided by law, and except the following:

(1) The State Legislature General Assembly and its employees and other officers elected by popular vote or by vote of the Legislature General Assembly and persons appointed to fill vacancies in elective offices.

(2) Members of boards and commissions and heads of departments or agencies appointed by the Governor, or with his or her approval.

(3) One principal or executive assistant, one deputy to the head of a department or agency, one private secretary, and one executive director for each board or commission or head of a department or agency elected or appointed by the Governor or ~~Legislature or Legislative Council~~ General Assembly. However, nothing ~~contained herein in this subdivision~~ shall be construed so as to prevent a board, commission, or director or head of a department or agency from designating a classified employee to perform the duties of a principal assistant, deputy, executive director, or private secretary.

* * *

Sec. 20. 3 V.S.A. § 817(b) is amended to read:

(b) The Committee shall meet as necessary for the prompt discharge of its duties and may use the staff and services of the ~~Legislative Council Office of Legislative Counsel and the Office of Legislative Operations.~~ The Committee shall adopt rules to govern its operation and organization. A quorum of the Committee shall consist of five members. For attendance at a meeting when the General Assembly is not in session, members of the Legislative Committee on Administrative Rules shall be entitled to the same per diem compensation and reimbursement for necessary expenses as provided members of standing committees under 2 V.S.A. § 406 23.

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

(d) The Court Administrator shall notify the Secretary of State whenever a Justice is appointed and takes the oath of office after September 1 of the year preceding the expiration of the term of office to which the Justice has succeeded thereby resulting in automatic notification of an intention to continue in office. Whenever a Justice files a declaration under subsection (c) of this section, or notification occurs automatically, the Secretary of State shall notify the President of the Senate, the Speaker of the House, the Office of Legislative Counsel, and the ~~Legislative Council~~ Office of Legislative Operations forthwith.

Sec. 22. 4 V.S.A. § 71(c) is amended to read:

(c) The Court Administrator shall notify the Secretary of State whenever a Superior judge is appointed and takes the oath of office after September 1 of the year preceding the expiration of the term of office to which the judge has succeeded, thereby resulting in automatic notification of an intention to continue in office. Whenever a Superior judge files a declaration under subsection (b) of this section or notification occurs automatically, the Secretary of State shall notify the President of the Senate, the Speaker of the House, the Office of Legislative Counsel, and the ~~Legislative Council~~ Office of Legislative Operations forthwith.

Sec. 23. 4 V.S.A. § 461(c)(3) is amended to read:

(3) The Court Administrator shall notify the Secretary of State whenever a magistrate is appointed and takes the oath of office after September 1 of the year preceding the expiration of the term of office to which the magistrate has succeeded, thereby resulting in automatic notification of an intention to continue in office. Whenever a magistrate files a declaration under subsection (a) of this section or when notification occurs automatically, the Secretary of State shall notify the President of the Senate, the Speaker of the House, the Office of Legislative Counsel, and the ~~Legislative Council~~ Office of Legislative Operations forthwith.

Sec. 24. 4 V.S.A. § 601(f) is amended to read:

(f) The Board is authorized to use the staff and services of appropriate State agencies and departments as necessary to conduct investigations of applicants. The Office of Legislative ~~Council~~ Counsel shall assist the Board for the purpose of rulemaking.

Sec. 25. 4 V.S.A. § 607(c) is amended to read:

(c) The Committee may use the staff and services of the ~~Legislative Council~~ Office of Legislative Counsel and the Office of Legislative Operations to, in addition to other duties, obtain information on the performance of a

judge or Justice by soliciting comments from members of the Vermont Bar and the public.

Sec. 26. 12 V.S.A. § 3(b) is amended to read:

(b) The Committee shall meet as necessary for the prompt discharge of its duties and may use the staff and services of the ~~Legislative Council Office of Legislative Counsel and the Office of Legislative Operations~~. The Committee shall adopt rules to govern its operation and organization. A quorum of the Committee shall consist of five members. For attendance at a meeting when the General Assembly is not in session, members of the Legislative Committee on Judicial Rules shall be entitled to the same per diem compensation and reimbursement for necessary expenses as provided members of standing committees under 2 V.S.A. § 406 23.

Sec. 27. 16 V.S.A. § 2905(e) is amended to read:

(e) The legislative and higher education staff shall provide support to the Council as appropriate to accomplish its tasks. Primary administrative support shall be provided by the Office of Legislative ~~Council~~ Operations.

Sec. 28. 19 V.S.A. § 12b(b) is amended to read:

(b) The Committee shall meet during adjournment for official duties. Meetings shall be convened by the Chair and when practicable shall be coordinated with the regular meetings of the Joint Fiscal Committee. Members shall be entitled to compensation and reimbursement pursuant to 2 V.S.A. § 406 23. The Committee shall have the assistance of the staff of the Office of Legislative ~~Council~~ Counsel, the Office of Legislative Operations, and the Joint Fiscal Office.

Sec. 29. 29 V.S.A. § 1160(c) is amended to read:

(c) Five copies of the permanent journals of the Senate and of the House of Representatives of each biennial and adjourned session shall be distributed to ~~the Legislative Council and to the Secretary of State~~. One copy of the permanent journals of the Senate and of the House of Representatives of each biennial and adjourned session shall be distributed to the Office of Legislative Counsel.

Sec. 30. 32 V.S.A. § 1052(b)(3) is amended to read:

(3) Absences. If a member is absent for reasons other than sickness or legislative business for one or more entire days while the ~~House~~ house in which the member sits is in session, the member shall notify the ~~Legislative Council staff~~ Office of Legislative Operations of that absence, and expenses received shall not include the amount ~~which~~ that the legislator specifies was

not incurred during the period of that absence.

Sec. 31. 33 V.S.A. § 1901a(b) is amended to read:

(b) The Secretary of Human Services or his or her designee and the Commissioner of Finance and Management shall provide quarterly to the Joint Fiscal Committee ~~and the Legislative Council~~ such information and analysis as the Committee ~~and the Council~~ reasonably ~~determine~~ determines is necessary to assist the General Assembly in the preparation of the Medicaid budget.

* * * Transitional Provision * * *

Sec. 32. CONTINUATION OF EXISTING RULES AND POLICIES

The Joint Legislative Management Committee shall continue to apply the rules and policies of the Joint Rules Committee, the Legislative Council Committee, the Joint Fiscal Committee, and the Legislative Information Technology Committee that are in effect on the effective date of this act and that govern the operations of the respective legislative offices until the Joint Legislative Management Committee's adoption of rules and policies to govern the operations of those offices in accordance with the provisions of this act.

* * * Repeals * * *

Sec. 33. REPEAL

2 V.S.A. chapter 22 (Legislative Information Technology Committee) is repealed.

* * * Effective Date * * *

Sec. 34. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee Vote: 6-0-1)

H. 794

An act relating to limiting liability for agritourism

Rep. Strong of Albany, for the Committee on Agriculture and Forestry, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 12 V.S.A. chapter 212 is added to read:

CHAPTER 212. LIMITATION ON LIABILITY FOR AGRITOURISM ACTIVITY

§ 5871. DEFINITIONS

As used in this chapter:

(1)(A) “Agritourism activity” means an interactive or passive activity that is:

(i) carried out with or without payment to an agritourism host on a farm regulated under 6 V.S.A. chapter 215, related to farming, food production, historic tradition, or nature watching; or

(ii) conducted by an agritourism host for the education, entertainment, or recreation of participants.

(B) “Agritourism activity” includes a farming activity; the viewing of a historic, cultural, or natural attraction; a pick-your-own activity; nature watching; and an activity involving an animal exhibition at an agricultural fair.

(C) “Agritourism activity” does not include a roadside farm stand or operation exclusively devoted to the sale of merchandise or food at retail.

(2) “Agritourism host” means a person who provides the facilities and equipment necessary to participate in an agritourism activity.

(3) “Farm” means a parcel or parcels of land owned, leased, or managed by a person and devoted primarily to farming that meets the threshold criteria established by the Required Agricultural Practices.

(4) “Farming” has the same meaning as in 10 V.S.A. § 6001.

(5) “Inherent risk” means any danger or condition that is an integral part of, or arises from, an agritourism activity, including:

(A) the propensity of a wild animal or domestic animal to behave in ways that may result in injury or death to persons on or near the wild animal or domestic animal;

(B) a hazard such as a surface or subsurface condition;

(C) a natural condition of land, vegetation, or waters;

(D) the ordinary dangers of structures or equipment used in farming;

and

(E) the potential of a participant to act in a negligent way that may contribute to injury or death to the participant or others, such as failing to follow safety procedures or failing to act with reasonable caution while engaging in an agritourism activity.

(6) “Participant” means any person who is invited onto the farm for the purpose of participating in an agritourism activity.

§ 5872. LIMITATION ON DUTY TO PROTECT

(a) Except as provided in subsection (b) of this section, an agritourism host shall not have a legal duty to protect a participant from the inherent risks of an agritourism activity and shall not be liable for injury to or death of a participant resulting from the inherent risks of an agritourism activity, provided that the agritourism host posts the warning required under section 5873 of this title.

(b) Nothing in subsection (a) of this section shall limit the liability of an agritourism host who:

(1) commits a negligent act or omission concerning the safety of a participant that proximately causes injury or death to the participant;

(2) has actual knowledge of:

(A) a dangerous condition on the land, facilities, or equipment used in the activity, or

(B) the dangerous propensity of an animal used in the activity, which proximately causes injury or death to the participant, and does not make that danger known to the participant;

(3) intentionally injures a participant; or

(4) commits any other act, error, or omission that constitutes willful or wanton misconduct, negligence, or criminal conduct that proximately causes injury or death to the participant.

(c) Any limitation on liability afforded by this section to an agritourism host is in addition to any other limitations on liability otherwise provided by law.

§ 5873. WARNING NOTICE; POSTING; CONTRACTS

(a) To qualify for the limitation on liability under section 5872 of this title:

(1) an agritourism host shall post and maintain a sign in a clearly visible location at or near the main entrance to each agritourism activity and in black letters at least one inch in height containing the warning notice specified in subsection (b) of this section; and

(2) every written contract entered into between an agritourism host and a participant for goods or services related to an agritourism activity shall contain in clearly visible print the warning notice specified in subsection (b) of this section.

(b) The warning notice required under subsection (a) of this section shall read: “WARNING: Under Vermont law, an agritourism host is not liable for the injury or death of a participant in an agritourism activity resulting from the

inherent risk of the agritourism activity. Inherent risks include the risk of animals, weather, land conditions, and the potential for you as a participant to act in a negligent way that may contribute to your own injury or death. You are assuming the risk of participating in this agritourism activity.”

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee Vote: 8-0-0)

Favorable

H. 728

An act relating to the miscellaneous changes affecting the duties of the Department of Vermont Health Access

Rep. Page of Newport City, for the Committee on Health Care, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

NOTICE CALENDAR

Committee Bill for Second Reading

H. 936

An act relating to sexual exploitation of children.

(**Rep. Burditt of West Rutland** will speak for the Committee on Judiciary.)

Favorable with Amendment

H. 209

An act relating to ending the suspension of State aid for school construction projects

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

Sec. 1. SCHOOL CONSTRUCTION; FACILITIES STANDARDS;
CAPITAL OUTLAY FINANCING FORMULA; AGENCY OF
EDUCATION; STATE BOARD OF EDUCATION; UPDATE

(a) On or before January 15, 2021, the Secretary of Education, in consultation with the Executive Director of the Vermont Superintendents

Association, the Chair of the State Board of Education, and the Commissioner of Buildings and General Services, shall update the school construction facilities standards. The update shall reflect modern educational requirements and opportunities.

(b) On or before January 15, 2021, the State Board of Education shall update and adopt a Capital Outlay Financing Formula. Pursuant to State Board Rule 6124.1, the Formula shall establish the maximum and minimum square footage parameters by school size, and grade range through a square footage allowance per student or program. The Formula shall also establish an allowable cost per square foot of construction.

Sec. 2. SCHOOL FACILITIES CONDITIONS ANALYSIS; AGENCY OF
EDUCATION; DEPARTMENT OF BUILDINGS AND GENERAL
SERVICES

(a) On or before February 15, 2021, the Secretary of Education, in coordination with the Commissioner of Buildings and General Services, shall issue a request for proposal for a school facilities conditions analysis to inform the Agency of Education of the statewide school facilities needs and costs. The analysis shall include a review of both school facilities conditions and space needs.

(b) The Secretary of Education shall contract with an independent third party to conduct the analysis described in subsection (a) of this section. The analysis shall be completed on or before June 15, 2023.

(c) The amount of \$1,500,000.00 is appropriated from the Education Fund to the Secretary of Education to conduct the analysis described in this section.

(d) As used in this section, "school" has the same meaning as in 16 V.S.A. § 3447.

Sec. 3. SCHOOL CONSTRUCTION FUNDING; AGENCY OF
EDUCATION; REPORT

(a) On or before December 15, 2023, the Secretary of Education, in consultation with the State Treasurer and the Executive Director of the Vermont Bond Bank, shall submit a report to the House Committees on Corrections and Institutions and on Education and the Senate Committees on Education and on Institutions that shall include the following:

(1) an analysis of the challenges and opportunities to the State, if any, of funding school construction projects;

(2) recommendations for a funding source, if any, for school

construction projects that are linked to the inventory, needs, and conditions of all Vermont schools; and

(3) an analysis of how other states are funding school construction projects.

(b) As used in this section, "school" has the same meaning as in 16 V.S.A. § 3447.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee Vote: 8-2-1)

H. 650

An act relating to boards and commissions

Rep. Gannon of Wilmington, 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:

* * * Repeal of Committee to Study the Effectiveness of the Juvenile Justice System in Reducing Crime and Recidivism * * *

Sec. 1. REPEAL

2012 Acts and Resolves No. 159, Sec. 8 (Committee to Study the Effectiveness of the Juvenile Justice System in Reducing Crime and Recidivism; report) is repealed.

* * * Repeal of Commission on Juvenile Justice * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(3) To evaluate the adequacy of existing services to individuals involved in the juvenile justice system and their families, and to conduct studies to~~

~~identify gaps in these services. These studies may include access to juvenile justice-related services and support for families of individuals involved in the juvenile justice system.~~

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

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

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

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

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

~~(A) A Prevention Specialist, responsible for programs intended to reduce delinquency and crime among juvenile offenders, including mentoring programs, early assessments, substance abuse screening, child care services, afterschool programs, and screening for problems which contribute to delinquency and juvenile crime.~~

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

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

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

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

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

~~(e) The Agency of Human Services shall provide the Commission with~~

administrative support.

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

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

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

§ 104. FUNCTION AND POWERS OF DEPARTMENT

* * *

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

* * * Repeal of Educational Opportunities Working Group * * *

Sec. 4. REPEAL OF EDUCATIONAL OPPORTUNITIES WORKING GROUP

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

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

Sec. 5. 16 V.S.A. § 2945 is amended to read:

§ 2945. STATE ADVISORY COUNCIL PANEL ON SPECIAL EDUCATION

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

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

- ~~(A) teachers;~~
- ~~(B) representatives of State agencies involved in the financing or delivery of related services to children with disabilities;~~
- ~~(C) a representative of independent schools;~~
- ~~(D) at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;~~
- ~~(E) a representative from the State juvenile and adult corrections agency;~~
- ~~(F) individuals with disabilities;~~
- ~~(G) parents of children with disabilities, provided the child shall be younger than 26 years old at the time his or her parent is appointed to the Council;~~
- ~~(H) State and local education officials, including officials who carry out activities under the McKinney-Vento Homeless Assistance Act;~~
- ~~(I) a representative of higher education who prepares special education and related services personnel;~~
- ~~(J) a representative from the State child welfare department responsible for foster care;~~
- ~~(K) special education administrators; and~~
- ~~(L) two at-large members.~~

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

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

~~(c) The members of the Council who are employees of the State shall receive no additional compensation for their services, but actual and necessary expenses shall be allowed State employees, and shall be charged to their departments or institutions. The members of the Council who are not employees of the State shall receive a per diem compensation as provided under 32 V.S.A. § 1010 for each day of official business and reimbursement~~

~~for actual and necessary expenses at the rate allowed State employees.~~

~~(d) The Council shall:~~

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

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

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

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

(a) The State Advisory Panel on Special Education (Panel) is created to provide guidance with respect to special education and related services for children with disabilities in the State. Members of the Panel shall be appointed by the Governor, with the advice of the Secretary of Education. The Panel shall perform the duties, and members of the Panel shall be appointed, in accordance with federal law. In addition to members appointed to the Panel to satisfy the requirements under federal law, the members of the Panel shall include a representative of each body designated by the State under federal law as the Parent Training and Information Center and the Protection and Advocacy System. The total number of members on the Panel shall not exceed 37 members.

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

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

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

Sec. 6. TRANSITION

(a) On or before August 1, 2020, members shall be appointed to the State Advisory Panel on Special Education under 16 V.S.A. § 2945 to ensure that

the membership of the Panel complies with federal law, including the appointment of members who fulfill the requirement that a majority of the members be individuals with disabilities or parents of children with disabilities.

(b) On or before December 1, 2020, the Panel shall, in consultation with the Agency of Education, review and update its bylaws, and shall include in its bylaws term limits for all or certain of its members, as the Panel deems appropriate.

* * * Merger of the Executive Committee to Advise the Director of the Vermont Blueprint for Health and the Blueprint for Health Expansion Design and Evaluation Committee * * *

Sec. 7. 18 V.S.A. § 702 is amended to read:

§ 702. BLUEPRINT FOR HEALTH; STRATEGIC PLAN

(a)(1) The Department of Vermont Health Access shall be responsible for the Blueprint for Health.

(2) The Director of the Blueprint, in collaboration with the Commissioners of Health, of Mental Health, of Vermont Health Access, and of Disabilities, Aging, and Independent Living, shall oversee the development and implementation of the Blueprint for Health, including a strategic plan describing the initiatives and implementation timelines and strategies. Whenever private health insurers are concerned, the Director shall collaborate with the Commissioner of Financial Regulation and the Chair of the Green Mountain Care Board.

(b)(1)(A) The Commissioner of Vermont Health Access shall establish an executive committee to advise the Director of the Blueprint on creating and implementing a strategic plan for the development of the statewide system of chronic care and prevention as described under this section. The Executive Committee shall include:

- (i) the Commissioner of Health;
- (ii) the Commissioner of Mental Health;
- (iii) a representative from the Green Mountain Care Board;
- (iv) a representative from the Department of Vermont Health Access;
- (v) an individual appointed jointly by the President Pro Tempore of the Senate and the Speaker of the House of Representatives;
- (vi) a representative from the Vermont Medical Society;

(vii) a representative from the Vermont Nurse Practitioners Association;

(viii) a representative from a statewide quality assurance organization;

(ix) a representative from the Vermont Association of Hospitals and Health Systems;

(x) two representatives of private health insurers;

(xi) a consumer;

(xii) a representative of the complementary and alternative medicine professions;

(xiii) a primary care professional serving low-income or uninsured Vermonters;

(xiv) a licensed mental health professional with clinical experience in Vermont;

(xv) a representative of the Vermont Council of Developmental and Mental Health Services;

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

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

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

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

~~(2)(A) The Director shall convene an expansion design and evaluation committee, which shall meet no fewer than six times annually, to recommend a design plan, including modifications over time, for the statewide implementation of the Blueprint for Health and to recommend appropriate methods to evaluate the Blueprint. This Committee shall be composed of the~~

~~members of the Executive Committee, representatives of participating health insurers, representatives of participating medical homes and community health teams, the Deputy Commissioner of Health Care Reform, a representative of the Bi-State Primary Care Association, a representative of the University of Vermont College of Medicine's Office of Primary Care, a representative of the Vermont Information Technology Leaders, and consumer representatives. The Committee shall comply with open meeting and public record requirements in 1 V.S.A. chapter 5. [Repealed.]~~

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

* * *

Sec. 8. 18 V.S.A. § 706 is amended to read:

§ 706. HEALTH INSURER PARTICIPATION

* * *

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

(2) Consistent with ~~the recommendation of the Blueprint expansion design and evaluation committee~~ recommendations of the Blueprint Executive Committee, the Director of the Blueprint may recommend to the Commissioner of Vermont Health Access changes to the payment amounts or to the payment reform methodologies described in subdivision (1) of this subsection, including by providing for enhanced payment to health care professional practices which that operate as a medical home, including primary

care naturopathic physicians' practices; payment toward the shared costs for community health teams; or other payment methodologies required by the Centers for Medicare and Medicaid Services (CMS) for participation by Medicaid or Medicare.

* * *

* * * Repeal of Offender Work Programs Board * * *

Sec. 9. 28 V.S.A. § 761 is amended to read:

§ 761. OFFENDER WORK PROGRAMS BOARD EXPANSION

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

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

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

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

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

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

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

~~(3) [Repealed.]~~

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

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

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

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

~~(2) [Repealed.]~~

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

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

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

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

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

Sec. 10. 28 V.S.A. § 751b is amended to read:

§ 751b. GENERAL PROVISIONS GOVERNING OFFENDER WORK

* * *

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

* * *

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

* * *

(2) To any state or political subdivision of a state, or to any nonprofit organization that is exempt from federal or state income taxation, subject to

federal law, to the laws of the recipient state, and to the rules of the Department. ~~Five members of the Offender Work Programs Board at a scheduled and warned Board meeting, provided that the Commissioner or designee may vote to disapprove any future sales of offender produced goods or services to any nonprofit organization and such vote shall be binding on the Department.~~

(3) To any private person or enterprise not involving the provision of the federally authorized Prison Industries Enhancement Program, provided that ~~the Offender Work Programs Board~~ Commissioner or designee shall first determine that the offender work product in question is not otherwise produced or available within the State. ~~Five members of the such Board at a scheduled and warned Board meeting may vote to disapprove any future sales of offender produced goods or services to any person or entity not involving the provisions of the federally authorized Prison Industries Enhancement Program and such vote shall be binding on the Department.~~

(4) To charitable organizations where the offender work product is the handicraft of offenders and the Commissioner or designee has approved such sales in advance.

* * *

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

* * *

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

§ 752. OFFENDER WORK PROGRAMS SPECIAL FUND

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

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

* * *

Sec. 12. 32 V.S.A. § 1010 is amended to read:

§ 1010. MEMBERS OF CERTAIN BOARDS

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

* * *

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

* * *

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

Sec. 13. 30 V.S.A. § 3 is amended to read:

§ 3. PUBLIC UTILITY COMMISSION

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

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

(c) Members of the Commission other than the Chair shall be appointed in accordance with this subsection. Whenever a vacancy occurs, public announcement of the vacancy shall be made. The Governor shall submit at least five names of potential nominees to the Judicial Nominating Board for review. The Judicial Nominating Board shall review the candidates in respect to judicial criteria and standards only and shall recommend to the Governor those candidates the Board considers qualified. The Governor shall make the appointment from the list of qualified candidates. The appointment shall be subject to the advice and consent of the Senate.

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

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

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

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

* * *

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

Sec. 14. 30 V.S.A. § 218a is amended to read:

§ 218a. PERMANENT TELECOMMUNICATIONS RELAY SERVICE

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

(2) The standards developed by the Department shall be equal to or exceed those standards mandated by the Americans With Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327 (1990)) and expressly require that the designated provider of Vermont's telecommunications relay services comply, as expeditiously as possible, with any additional federal regulations ~~which~~ that may be promulgated by the Federal Communications Commission in accordance with the provisions of this section.

* * *

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

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

(B) The members of the Council who are not officers or employees of the State shall receive per diem compensation and expense reimbursement in amounts authorized by 32 V.S.A. § 1010(b). The costs of the compensation and reimbursement and any other necessary administrative costs shall be included within the contract entered into under subsection (c) of this section.

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

(e)(1) The Department shall propose and the Commission shall establish by

rule or order a telecommunications equipment grant program to assist persons who are deaf, deaf-blind, hard of hearing, have a speech limitation, and persons with physical disabilities that limit their ability to use standard telephone equipment to communicate by telephone.

(2) Pursuant to this program, a person who is deaf, deaf-blind, hard of hearing, has a speech limitation, or a person with a physical disability that limits his or her ability to use standard telephone equipment whose modified adjusted gross income as defined in 32 V.S.A. § 5829(b)(1) for the preceding taxable year was less than 200 percent of the official poverty line established by the U.S. Department of Health and Human Services for a family of six or the actual number in the family, whichever is greater, published as of October 1 of the preceding taxable year, may be eligible for a benefit toward the purchase, upgrade, or repair of equipment used to access the relay service or otherwise communicate by telephone. The total benefits allocable under this ~~section~~ subsection shall not exceed \$75,000.00 per year.

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

(1)(A) prior benefits;

(2)(B) degree of functional need;

(3)(C) income;

(4)(D) number of applicants;

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

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

* * *

* * * Repeal of Racing Commission * * *

Sec. 15. 31 V.S.A. chapter 13 is amended to read:

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

~~§ 601. CONSTRUCTION AND PURPOSE~~

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

~~§ 602. RACING COMMISSION~~

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

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

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

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

~~The Commission may employ such assistants and employees as it may consider necessary to carry out the provisions of this chapter, fix their compensation, and specify the duties to be performed by them. However, the Commission shall not appoint to any position under its jurisdiction any member of the General Assembly, while the General Assembly is in session. [Repealed.]~~

~~§ 604. SEMIANNUAL MEETINGS~~

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

~~§ 605. RULES~~

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

and drivers. [Repealed.]

§ 605a. LICENSES; REGISTRATIONS

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

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

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

§ 606. HEARINGS

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

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

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

§ 607. LICENSES REQUIRED; SUNDAY RACING

~~No person, association, or corporation shall conduct, hold, or operate any running or harness race or meet at which pari-mutuel pools are sold without license from the Commission. No pari-mutuel running or harness race shall be~~

~~held on Sunday between the hours of 12:00 midnight and 1:00 p.m. The Commission shall not issue a license for holding a race meet on Sunday in any town until the town has approved the issuance of said license by majority vote of those present and voting at a duly warned annual or special town meeting. [Repealed.]~~

§ 608. APPLICATION; BOND

~~Fair associations or corporations that now conduct annual agricultural fairs in Vermont, or Vermont corporations that wish to conduct extended race meetings, with a percentage designated for the benefit of the Racing Special Fund established pursuant to section 630 of this title, shall be eligible to apply for a license. An eligible association or corporation desiring to hold a running or harness horse race or meet for public exhibition at which pari-mutuel pools are to be sold, shall apply to the Commission to do so. Every fair association or corporation conducting horse racing or meets at which pari-mutuel pools are to be sold under license from the Commission shall give a bond in a sum not to exceed \$75,000.00 as shall be determined by the Commission, with good and sufficient surety or sureties, conditioned upon the faithful performance of its duties and obligations to the State of Vermont as prescribed by this chapter. [Repealed.]~~

§ 609. FORMS; FEES

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

- ~~(1) The full name and address of the person, association, or corporation.~~
- ~~(2) If an association, the names and residences of the members of the association.~~
- ~~(3) If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors and stockholders.~~
- ~~(4) The exact location where it is desired to conduct or hold races or race meets.~~
- ~~(5) Whether or not the racing plant is owned or leased, and if leased, the name and residence of the fee owner, or if a corporation, of the directors and stockholders thereof.~~
- ~~(6) A statement of the assets and liabilities of the person, association, or~~

corporation making the application.

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

§ 610. ISSUANCE, CONTENTS; REVOCATION

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

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

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

§ 611. PERMITTED USE OF CERTAIN PHARMACEUTICALS

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

§ 612. AUDITS

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

§ 613. MINORS

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

§ 614. PENALTY

~~(a) Any person, association, or corporation holding, conducting, or simulcasting a pari-mutuel horse race or aiding or abetting same, without a license from the Commission, shall be fined not more than \$1,000.00 or imprisoned not more than one year, or both. Any person, association, or corporation violating any rules or regulations of the Commission shall be fined not more than \$500.00 or imprisoned not more than six months, or both.~~

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

§ 615. PARI-MUTUEL POOLS

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

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

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

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

- ~~3% on the first \$150,000.00 plus~~
- ~~4% on the amount \$150,000.00-\$200,000.00 plus~~
- ~~5% on the amount \$200,000.00-\$250,000.00 plus~~
- ~~6% on the amount \$250,000.00-\$300,000.00 plus~~
- ~~7% on the amount \$300,000.00-\$350,000.00 plus~~
- ~~8% on all over \$350,000.00~~

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

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

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

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

~~(4) From flat racing, six and one-half percent on the total wagered each race day conducted on Sunday. From simulcast racing, in addition to the percentages of the total wagered as provided above, on the total wagered on all days on all forms of wagering other than win, place, and show wagering: on and after May 30, 1986.~~

~~(5) During any calendar year, the number of programs which the~~

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

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

§ 616. PAYMENT

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

§ 617. REPEALED.

§ 618. UNCLAIMED TICKET MONEY

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

§ 619. PARI-MUTUEL EMPLOYEES

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

§ 620. POLICE PROTECTION

~~Every licensee shall maintain adequate police protection as may be determined by or as may be assigned to the licensee from the Vermont State Police by the Commissioner of Public Safety of the State of Vermont, within the grounds or pari-mutuel enclosure and public highways adjacent to the~~

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

§ 621. BREEDING OF HORSES

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

§ 621a. REPEALED.

§ 622. TOWN VOTE; APPROVAL, REVOCATION

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

~~(b) Upon petition by 25 percent of the voters of a town in which racing is or may be conducted under license of the Commission, alleging cause for suspension of a license, the Commission may suspend the license for the holding of races or meets pending hearing on the petition. If upon hearing it finds cause exists, it shall suspend the license for a period not to exceed one year. [Repealed.]~~

§ 623. RACING DATES

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

§ 624. RACE OFFICIALS

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

§ 625. DEVICES REQUIRED

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

§ 626. OPERATING FEES

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

§ 627. DEFICITS; ASSESSMENTS

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

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

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

§ 628. REPEALED.

§ 629. REPEALED.

§ 630. DISPOSITION OF REVENUES

~~All fees, fines, unredeemed ticket funds, and other revenues collected under sections 601 through 627 of this title, except section 620, shall be credited to the Vermont Racing Special Fund, established and managed pursuant to~~

~~32 V.S.A. chapter 7, subchapter 5, and shall be available to the Racing Commission to offset the cost of providing its services.~~

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

§ 641. REPEALED.

§ 642. REPEALED.

Sec. 16. 13 V.S.A. § 2151 is amended to read:

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

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

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

(2) keep or occupy, for any period of time, any place or enclosure of any kind, with any material for recording any wager, or any purported wager, or selling pools, except as provided in subdivision (1) of this subsection, upon the result of any contest, lot, chance, unknown or contingent event, whether actual or purported;

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

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

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

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

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

outlined in subdivision 2143(e)(1)(B) of this title.

Sec. 17. 13 V.S.A. § 2153 is amended to read:

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

PROHIBITION ON DOG AND HORSE RACE BETTING

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

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

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

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

~~(4) transport or use any local anaesthetic of the cocaine group, including but not limited to natural or synthetic drugs of this group, such as allocaine, apothesine, alypine, benzyl, carbinol, butyn, procaine, nupercaine, beta-eucaine, novol, or anestubes or the drugs nikethamide or phenylbutazone, or hormones, within the racing enclosure, except upon a bona fide veterinarian's prescription with complete statement of uses and purposes of same on the container. A copy of such prescription shall be filed with the stewards and such substances may be used only with approval of the stewards and under the supervision of the veterinarian representing the racing commission;~~

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

~~(6) willfully or unjustifiably enter or race any horse in any running or trotting race under any name or designation other than the name or designation~~

~~assigned to such horse by and registered with the Jockey Club or the United States Trotting Association or willfully instigate, engage in, or in any way further any act by which any horse is entered or raced in any running or trotting race under any name or designation other than the name or designation duly assigned by and registered with the Jockey Club or the United States Trotting Association.~~

Sec. 18. 13 V.S.A. § 2154 is amended to read:

§ 2154. ~~DRUG DEFINED~~

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

Sec. 19. 13 V.S.A. § 2156 is amended to read:

§ 2156. ~~TOUTING PROHIBITED; PENALTY~~

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

* * * Revision of the Membership of the Vermont Deaf, Hard of Hearing, and DeafBlind Advisory Council * * *

Sec. 20. 33 V.S.A. § 1602 is amended to read:

§ 1602. VERMONT DEAF, HARD OF HEARING, AND DEAFBLIND
ADVISORY COUNCIL

(a) Creation; purpose. There is created a Vermont Deaf, Hard of Hearing, and DeafBlind Advisory Council to promote diversity, equality, awareness, and access among individuals who are Deaf, Hard of Hearing, or DeafBlind.

(b) Membership. The Advisory Council shall consist of the following members:

(1) ~~sixteen~~ 16 members of the public, appointed by the Governor in a manner that ensures geographically diverse membership, including:

* * *

(7) a representative of the Vermont Association of the Deaf;

(8) a representative of the Vermont chapter of the Hearing Loss Association of America;

(9) a superintendent, selected by the Vermont Superintendents Association; and

(9)(10) a special education administrator, selected by the Vermont Council of Special Education Administrators.

* * *

* * * Effective Date * * *

Sec. 21. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee Vote: 11-0-0)

H. 668

An act relating to evidence-based structured literacy instruction for students in kindergarten–grade 3 and students with dyslexia and to teacher preparation programs

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

Sec. 1. PURPOSE

The purpose of this act is to provide assistance to supervisory unions in their implementation of 2018 Acts and Resolves No. 173 by providing grant funding to build systems-driven, sustainable literacy support for all students.

Sec. 2. FINDINGS

(a) In 2016 Acts and Resolves No. 148, the General Assembly directed the Agency of Education to contract with a consulting firm to review current practices and recommend best practices for the delivery of special education services in school districts. The Agency of Education contracted with the District Management Group, which issued in November 2017 its report entitled “Expanding and Strengthening Best-Practice Supports for Students who Struggle” (Report).

(b) This Report made the following five recommendations on best practices for the delivery of special education services:

(1) ensure core instruction meets most needs of most students;

(2) provide additional instructional time outside core subjects to students who struggle rather than providing interventions instead of core instruction;

(3) ensure students who struggle receive all instruction from highly skilled teachers;

(4) create or strengthen a systems-wide approach to supporting positive student behaviors based on expert support; and

(5) provide specialized instruction from skilled and trained experts to students with more intensive needs.

(c) In enacting 2018 Acts and Resolves No. 173, the General Assembly's goal was to enhance the effectiveness, availability, and equity of services provided to all students who require additional support in Vermont's school districts, recognizing that changing the models for delivery of services and funding for students who require additional support is a significant change for school systems and their constituencies, and that they will require time and assistance in making necessary adjustments.

(d) In Act 173, the General Assembly provided additional staff and resources to the Agency of Education to support its work with supervisory unions and schools that are transitioning to the best practices recommended in the Report.

(e) Further support for supervisory unions and schools that are transitioning to the best practices recommended in the Report are necessary, particularly in the area of teaching literacy to students in prekindergarten through grade 3, given that proficiency in reading is an essential foundational skill for educational success.

(f) According to the 2019 assessment of reading proficiency by the National Assessment of Educational Progress, only 37 percent of Vermont students in fourth grade were proficient in reading, and that percentage has declined from 2002 (39 percent) and 2017 (43 percent).

(g) Ensuring that students in prekindergarten through grade 3 learn to read at a proficient level advances the best practices recommended in the Report, in particular ensuring core instruction meets most needs of most students and ensuring that students who struggle receive all instruction from highly skilled teachers.

Sec. 3. LITERACY GRANT PROGRAM

(a) Definitions. As used in this section:

(1) "Eligible applicant" means three or more supervisory unions

applying together for the same grant under this section.

(2) “Grant” means a grant provided under this section.

(3) “Participating supervisory unions” means the supervisory unions that are applying together as an eligible applicant.

(4) “Program” means the Literacy Grant Program created by this section.

(5) “Regional leadership team” means the superintendent or designee of each participating supervisory union included in the grant application by the eligible applicant, and two representatives of schools within those participating supervisory unions appointed by the superintendent.

(b) Program creation and grant authorization.

(1) The Literacy Grant Program is created to enable supervisory unions to work together in a sustained and targeted manner to adopt best practices in teaching literacy instruction to students in prekindergarten through grade 3. In recognition that literacy proficiency is a foundational learning skill, this program is designed to assist supervisory unions implement 2018 Acts and Resolves No. 173 by providing students with the literacy skills necessary to ensure that core instruction meets most needs of most students and that students who struggle receive all instruction from highly skilled teachers. Subject to the terms of the program, grants shall be awarded to eligible applicants for two consecutive years.

(2) The Agency of Education shall inform supervisory unions of the availability of grants under this act and provide technical assistance to eligible applicants in applying for these funds. The Agency of Education shall also advise supervisory unions of other sources of funding that may be available to advance the purpose of this act.

(c) Application for, and approval of, grant funding.

(1) On or before August 1, 2020, the Agency of Education shall develop the application for the grant program and post the application on the Agency’s website.

(2) The application for the grant shall include:

(A) the members of the eligible applicant’s regional leadership team and a description of its governance structure;

(B) the person or persons who will disperse the grant funds among the participating supervisory unions, a description of the fiscal controls to ensure proper accounting of these funds, and the eligible applicant’s program

budget;

(C) the literacy indicators and outcomes the eligible applicant seeks to improve, which shall include each of phonemic awareness, phonics, reading fluency, vocabulary, and comprehension, and any other areas of focus in teaching literacy;

(D) the priority problems of practice in teaching and improving literacy outcomes, including shared problems of practice across the participating supervisory unions;

(E) the eligible applicant's plan for improving literacy teaching and outcomes, including how the proposed plan will strengthen the applicant's process towards ensuring that:

(i) core literacy instruction meets most needs of most students;
and

(ii) students who struggle with literacy proficiency receive all instruction from highly skilled teachers;

(F) how the eligible applicant will implement its plan for literacy teaching and outcomes and a description of how it will achieve the purpose of this act;

(G) how literacy results and outcomes will be measured and reported;

(H) how the eligible applicant will improve its tier 1 education under 16 V.S.A. § 2902 through this process; and

(I) how systems and processes developed through the grant funding will be sustained.

(3) The Agency shall develop application scoring criteria consistent with subdivisions (2)(A)–(I) of this subsection (c). On or before August 31, 2020, the Agency shall send a copy of the grant application and scoring criteria, review process, and selection criteria to the House and Senate Committees on Education.

(4) Eligible applicants shall submit applications for grant funding to the Agency of Education, which shall review those applications.

Following the application review process, the Agency shall recommend applications to the Secretary for funding based on the review scores and funding dollars available. The Secretary shall make the final grant funding determination.

(5) Based on the Secretary's determination, the Agency of Education shall,

on or before October 1, 2020, award the first year of grant funding, up to \$100,000.00 per application, to successful applicants. The amount of this funding shall be based on applicant's proposed budget and total availability of funds. If the amount appropriated for this purpose is insufficient to fully fund the grants under that section, then the grant amounts that are awarded shall be prorated.

(6) The Agency of Education shall, on or before November 1, 2021, award the second year of grant funding of up to \$100,000.00 per eligible applicant. The amount of this funding shall be based on applicant's proposed budget, total availability of funds, and the Secretary's assessment of the eligible applicant's progress towards implementing its action plan to improve literacy teaching and outcomes under subdivision (2)(F) of this subsection. The Secretary may deny or reduce second-year grant funding if the Secretary finds that the applicant has made insufficient progress towards implementing its action plan. If the amount appropriated for this purpose is insufficient to fully fund the grants under that section, then the grant amounts that are awarded shall be prorated.

(d) Use of grant funds.

(1) Grant funds shall be used to:

(A) establish the eligible applicant's regional leadership team and its governance structure;

(B) implement the eligible applicant's action plan to improve literacy teaching and outcomes under subdivision (c)(2)(F) of this section; and

(C) measure the literacy results and outcomes under subdivision (c)(2)(G) of this section.

(2) Grant funds may be used to:

(A) build literacy instructional leadership capacity to lead the improvement of the quality of literacy teaching and for the improvement of student learning;

(B) implement an instructional coaching model, as described in the guidelines for implementing effective coaching systems issued by the Agency of Education in March 2016 (Coaching Guidelines);

(C) implement a systems' coaching model, as described in the Coaching Guidelines;

(D) support educators in using collaborative data systems to promote continuous improvement of literacy teaching and outcomes;

(E) provide focused training on the literacy indicators and outcomes the eligible applicant seeks to improve, which, if offered, shall include each of phonemic awareness, phonics, fluency, vocabulary, and comprehension, and any other areas of focus in teaching literacy;

(F) employ universal design for literacy learning, which is a framework to improve teaching and learning for all students based on scientific research on how people learn;

(G) employ evidence-based structured literacy instruction, including for students at risk for dyslexia or diagnosed with dyslexia; and

(H) employ any other proven method that builds sustainable systemwide improvement in literacy delivery and outcomes.

(3) Required activities shall not be duplicative of existing programs and activities.

(4) Grant funds may be used for hiring additional staff, providing additional compensation to existing staff, or contracting with another entity or entities to aid in the implementation activities under subdivision (1) of this subsection.

(e) Evaluation and reporting.

(1) Not later than 30 calendar days after the one-year anniversary of receiving a grant award under this section, the eligible applicant shall submit to the Agency of Education a report that describes progress and concerns with the implementation of the eligible applicant's action plan to improve literacy teaching and outcomes under subdivision (c)(2)(F) of this section.

(2) On or before January 15, 2023, the Agency of Education shall report to the General Assembly and the Governor on the impact of the grant program. The report shall be made publicly available on the Agency of Education's website.

Sec. 4. APPROPRIATION OF FUNDS

(a) Notwithstanding any provision of law to the contrary, \$800,000.00 is appropriated from the Education Fund to the Agency of Education for fiscal year 2021 designated for program grants under Sec. 3 of this act.

(b) The Agency of Education may set aside:

(1) not more than two percent of funds for informational and technical assistance for eligible applicants as defined under Sec. 3(a)(2) of this act; and

(2) not more than two percent of funds for the evaluations required under Sec. 3(e)(1) of this act.

Sec. 5. 16 V.S.A. § 261a is amended to read:

§ 261a. DUTIES OF SUPERVISORY UNION BOARD

(a) Duties. The board of each supervisory union shall:

* * *

(18) Adopt a benchmark literacy assessment for all students in prekindergarten–grade 3 with scores that can be reported in a format determined by the Secretary. The benchmark literacy assessment shall include an assessment of each of phonemic awareness, phonics, reading fluency, vocabulary, and comprehension.

* * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to providing assistance to supervisory unions in their implementation of 2018 Acts and Resolves No. 173 by providing grant funding to build systems-driven, sustainable literacy support for all students”

(Committee Vote: 10-0-1)

H. 742

An act relating to grants for emergency medical personnel training

Rep. Cordes of Lincoln, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. EMERGENCY MEDICAL PERSONNEL TRAINING;

APPROPRIATION

(a) The sum of \$450,000.00 is appropriated from the Emergency Medical Services Fund to the Department of Health in fiscal year 2021 for purposes of emergency medical personnel training. The Department, in consultation with the Emergency Medical Services Advisory Committee, shall use the monies to provide funding for live and online training opportunities for emergency medical personnel and for other emergency medical personnel training-related purposes. The Department and the Advisory Committee shall prioritize training opportunities for volunteer emergency medical personnel.

(b) The Department of Health, in consultation with the Emergency Medical Services Advisory Committee, shall develop a plan:

(1) to ensure that training opportunities for emergency medical personnel are available statewide on an ongoing basis;

(2) to simplify the funding application and disbursement processes; and

(3) identifying opportunities to increase representation of the perspectives of volunteer emergency medical personnel in decisions affecting the emergency medical services system.

(c) On or before January 15, 2021, the Department of Health shall report to the House Committees on Health Care, on Appropriations, and on Government Operations and the Senate Committees on Health and Welfare, on Appropriations, and on Government Operations with an accounting of its use of the funds appropriated to the Department pursuant to subsection (a) of this section and a copy of the plan developed by the Department pursuant to subsection (b) of this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee Vote: 10-0-1)

H. 775

An act relating to creating the State Youth Council

Rep. Mrowicki of Putney, 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:

Sec. 1. FINDINGS, PURPOSE, AND INTENT

(a) Findings. The General Assembly finds the following:

(1) Young Vermonters are one of our State's most important resources. Youths under 21 years of age represent approximately 24 percent of the Vermont population and reflect Vermont's diversity. They are a group of dynamic, vibrant, and innovative individuals who are finding new ways to have their voices heard and effect the change they wish to see in the world.

(2) Multiple perspectives strengthen decision making and policy development by encouraging innovation, creativity, and change. Including the unique perspectives of young people improves State policies and programs, including youth-specific services.

(3) Vermont's economy depends on the participation of young people, and empowering them to provide policy advice will help keep young Vermonters in the State. It will also diversify our economy, making it more

competitive and sustainable.

(4) Young people have the right to be heard and respected. Almost all government policies and decisions have an impact on young people's lives and youth have the right to influence those decisions, both individually and collectively. Furthermore, involving young people in political processes helps build trust in democratic institutions, which in turn protects Vermont's democracy.

(b) Purpose. The purpose of this act is to create a State Youth Council, composed of young Vermonters who will have an official means of providing advice on policies that impact young people in Vermont.

(c) Intent.

(1) The intent of creating the State Youth Council set forth in this act is to enhance the State's progress in reaching the population-level outcomes set forth in 3 V.S.A. § 2311(b)(6) (Vermont's children and young people achieve their potential) and (9) (Vermont has open, effective, and inclusive government).

(2) The General Assembly further intends to consider the recommendations of the initial State Youth Council created in this act and to subsequently amend the Council's appointing authority, powers, and duties accordingly.

Sec. 2. 3 V.S.A. chapter 45, subchapter 7 is added to read:

Subchapter 7. State Youth Council

§ 2331. STATE YOUTH COUNCIL; MEMBERSHIP; POWERS AND DUTIES

(a) Creation. There is created within the Agency of Administration the State Youth Council (Council) to advise the Governor and the General Assembly on issues affecting young people in Vermont.

(b) Membership. The Council shall be composed of 14 Vermont resident youths between 11 and 21 years of age at the time of appointment. The interagency workgroup Youth Services Advisory Council shall appoint one member from each county.

(1) The Agency of Administration shall assist the Youth Services Advisory Council in notifying the public regarding the opportunity for youths to serve on the Council, and the Youth Services Advisory Council shall accept applications for service on the Council.

(2) The Youth Services Advisory Council shall appoint members to the

Council for three-year staggered terms and shall strive to appoint Council members who represent a variety of youths in the State.

(3) The Council shall elect a chair from among its members.

(c) Powers and duties. The Council shall:

(1) hold at least four public hearings annually in order to take testimony on issues affecting Vermont youths;

(2) evaluate the State's progress in reaching the population-level outcomes set forth in 3 V.S.A. § 2311 and recommend to the Government Accountability Committee any revisions to the population-level indicators for those outcomes the Council finds necessary to better reflect data that impacts Vermont youths; and

(3) provide advice to the Governor and the General Assembly on policy changes necessary to improve the lives of Vermont youths.

(A) The Governor shall meet annually with the Council to hear and receive the Council's advice and recommendations on policies that impact the youths of Vermont.

(B) The Council shall annually report its advice and recommendations to the House and Senate Committees on Government Operations and to any other standing committees it deems appropriate. The report may be in verbal form.

(d) Assistance. The Council shall have the administrative, technical, and legal assistance of the Agency of Administration to assist with Council directed activities. The Council shall also have support from the Youth Services Advisory Council.

(e) Attending meetings.

(1) Members of the Council may attend Council meetings by electronic or other means without being physically present at a designated meeting location as permitted under 1 V.S.A. § 312(a)(2).

(2) The General Assembly finds that such virtual meeting attendance is particularly expedient for Council members from remote areas of the State to participate in meetings, but also encourages Council members to be physically present at meeting locations when possible due to the importance of in-person interaction.

(f) Compensation and reimbursement. Members of the Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings per calendar year.

These payments shall be made from monies appropriated to the Agency of Administration.

Sec. 3. STATE YOUTH COUNCIL; INITIAL PROVISIONS

(a) Appointments. The Youth Services Advisory Council shall appoint the initial State Youth Council created by Sec. 2 of this act on or before November 1, 2020. The initial appointments shall be for two- and three-year terms in order to provide staggered Council member terms.

(b) Training. From funds appropriated to the Agency of Administration, to assist with State Youth Council directed activities and in consultation with the Youth Services Advisory Council, the Agency shall provide to the State Youth Council training on general State policies and on how to formulate policy proposals.

(c) Duties. In addition to the State Youth Council's duties set forth in Sec. 2 of this act, on or before January 15, 2022, the Council shall recommend to the House and Senate Committees on Government Operations the manner in which its members should be appointed or elected and any other amendments to its enabling law.

Sec. 4. SUNSET OF STATE YOUTH COUNCIL

3 V.S.A. chapter 45, subchapter 7 (State Youth Council) is repealed on February 1, 2024.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 11-0-0)

H. 901

An act relating to expanding access to adult technical education equipment funding

Rep. Leffler of Enosburgh, for the Committee on Corrections and Institutions, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2017 Acts and Resolves No. 84, Sec. 33a, as amended by 2018 Acts and Resolves No. 190, Sec. 21, as amended by 2019 Acts and Resolves No. 42, Sec. 33, is further amended to read:

Sec. 33a. ADULT CAREER AND TECHNICAL EDUCATION EQUIPMENT GRANT PILOT PROGRAM

(a) The General Assembly hereby establishes a pilot grant program to

authorize the Department of Labor, in consultation with the State Workforce Development Board, to administer the Adult Career and Technical Education Equipment Grant Pilot Program to support the purchase of equipment necessary for the delivery of occupational training for students enrolled in a postsecondary course offered by Vermont's Career and Technical Education Centers or the Vermont State Colleges.

(b) Career and Technical Education Centers and the Vermont State Colleges are the only eligible applicants for grants awarded under the Program. Not more than 50 percent of the allocated funding under this provision may be awarded to the Vermont State Colleges.

(c) Grants may only be awarded to applicants who demonstrate how use of the grant-funded equipment:

(1) in the case of a Career and Technical Education Center, will be shared with at least one other Career and Technical Education Center, the Department of Corrections, or an accredited post-secondary college or university located in Vermont; or

(2) in the case of a Vermont State College, will be shared with at least one Career and Technical Education Center and will align with programming offered at a Career and Technical Education Center that results in an expanded career pathway in partnership with an adult career and technical education program.

~~(e)~~(d) An applicant's training program shall qualify for a grant described in subsection (a) of this section if it includes all of the following requirements:

(1) meets current occupational demand, as evidenced by current labor market information;

(2) aligns with a career pathway or set of stackable credentials involving a college or university accredited in Vermont;

(3) is supported with a business or industry partnership;

(4) sets forth how equipment will be maintained, insured, shared, and transported, if applicable; and

(5) is endorsed by the Adult Career and Technical Education Association.

~~(d)~~(e) Grants awarded under this program shall be used to purchase capital-eligible equipment. Grants shall not be used to support curriculum development, instruction, or program administration.

~~(e)~~(f) On or before July 15, 2018, the Department shall develop and

publish a simplified grant application that meets the criteria described in ~~subsection (b)~~ of this section. The Department shall consult with the Agency of Education and the State Workforce Development Board in reviewing applications and selecting grantees.

~~(f)~~(g) Grantees shall have ownership over any share of equipment purchased with the use of these funds. Any equipment purchased from this program may also be used by secondary career technical education programs.

~~(g)~~(h) On or before February 15, 2019 2021, the Department of Labor shall submit a report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions that includes the following:

(1) how the funds were used, expected outcomes, recommended performance metrics to ensure success of the program, and any other relevant information that would inform future decisions about the use of this program;

(2) assessment of the functionality and accessibility of shared-equipment agreements; and

(3) how, and the extent to which, the program shall be funded in the future.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 10-0-1)

For Informational Purposes

CROSSOVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All Senate/House bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before Friday, March 13, 2020, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by Friday March 13, 2020.

(2) All Senate/House bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before Friday, March 20, 2020, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover

deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill and the Fee/Revenue bills.

Public Hearings

PUBLIC HEARING

Held by the Senate Education Committee on the subject of a **Pupil Weighting Study, Wednesday, March 11, 2020, 4-6 P.M. in Room 11.** Clerk of the Committee: Senator Debbie Ingram; Committee Assistant: Jeannie Lowell.