

House Calendar

Friday, March 13, 2020

67th DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 A.M.

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ACTION CALENDAR

Third Reading

H. 663

An act relating to expanding access to contraceptives

H. 788

An act relating to technical corrections for the 2020 legislative session

Amendment to be offered by Rep. Murphy of Fairfax to H. 788

First: By striking out Sec. 164, 23 V.S.A. § 801(a)(3), in its entirety and inserting in lieu thereof the following:

Sec. 164. 23 V.S.A. § 801 is amended to read:

§ 801. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED

(a) The Commissioner shall require proof of financial responsibility to satisfy any claim for damages, by reason of personal injury to or the death of any person, of at least \$25,000.00 for one person and \$50,000.00 for two or more persons killed or injured and \$10,000.00 for damages to property in any one ~~accident~~ crash, as follows:

(1) From a person who is convicted of any of the following violations of this title:

* * *

(C) Failing to immediately stop and render such assistance as may be reasonably necessary following an ~~accident~~ a crash resulting in injury to any person or property, other than the vehicle then under his or her control.

* * *

(2) From a person against whom there is an outstanding unsatisfied judgment of a court of competent jurisdiction within this State for damages arising out of a motor vehicle ~~accident~~ crash and based upon any violation of the provisions of this title.

(3) From the operator of a motor vehicle involved in an ~~accident~~ which has a crash that resulted in bodily injury or death to any person or ~~whereby the motor vehicle then under his or her control or any other property is damaged~~ property damage, including to the motor vehicle under the operator's control, in an aggregate amount to the extent of \$3,000.00 or more, excepting,

however:

(A) an operator furnishing the Commissioner with satisfactory proof that a standard provisions automobile liability insurance policy, issued by an insurance company authorized to transact business in this State insuring the person against public liability and property damage, in the amounts required under this section with respect to proof of financial responsibility, was in effect at the time of the ~~accident~~ crash; or

(B) a nonresident operator holding a valid license issued by the state of his or her residence at the time of the ~~accident~~ crash who furnishes satisfactory proof, in the form of a certificate issued by an insurance company authorized to transact business in the state of his or her residence, when accompanied by a power of attorney authorizing the Commissioner to accept service on its behalf of notice or process in any action upon the policy arising out of the ~~accident~~ crash, certifying that insurance covering the legal liability of the operator to satisfy any claim or claims for damage to person or property, in an amount equal to the amounts required under this section with respect to proof of financial responsibility, was in effect at the time of the ~~accident~~ crash.

(b) The provisions of subdivision (a)(3) of this section shall not apply to the operator of a motor vehicle, involved in ~~an accident~~ a crash, if at the time of the ~~accident~~ crash the motor vehicle he or she was operating, whether attended or unattended, was legally parked in any location other than upon a public highway. Nor shall the provisions of that subdivision apply to the operator of an all-terrain vehicle when the vehicle is registered and operated pursuant to chapter 31 of this title.

* * *

(d) Where erroneous information with respect to insurance coverage is furnished to the Commissioner by the operator involved in ~~an accident~~ a crash, the Commissioner shall, after receipt by him or her of correct information with respect to such coverage, take appropriate action as provided in section 802 of this title.

* * *

Second: By striking out Sec. 184, 23 V.S.A. § 1128, and Sec. 185, 23 V.S.A. § 1129, in their entireties and inserting in lieu thereof the following:

Sec. 184. 23 V.S.A. § 1128 is redesignated to read:

§ 1128. ~~ACCIDENTS-DUTY~~ CRASHES; DUTY TO STOP

Sec. 185. 23 V.S.A. § 1129 is amended to read:

§ 1129. ~~ACCIDENTS-REPORTS~~ CRASHES; REPORTS

(a) The operator of a motor vehicle involved in ~~an accident whereby a person~~ a crash in which someone is injured or ~~whereby~~ there is total property damage to all property to the extent of \$3,000.00 or more shall make a written report concerning the ~~accident~~ crash to the Commissioner of ~~Motor Vehicles~~ on forms furnished by the Commissioner. The written report shall be mailed to the Commissioner within 72 hours after the ~~accident~~ crash. The Commissioner may require further facts concerning the ~~accident~~ crash be provided upon forms ~~furnished by him or her~~ he or she furnishes.

(b) As used in this section, the word “~~accident~~” “crash” only refers only to incidents and events in which the motor vehicle involved comes into physical contact with ~~a person, an individual or~~ an individual or object, ~~or including~~ another motor vehicle. It shall not include such contact where a vehicle involved is being used by a law enforcement officer as a barrier to prevent passage of a vehicle being operated by a suspected violator of the law. In such cases, the law enforcement officer shall not be required to make a personal written report of the incident.

(c) The owner and the operator of a motor vehicle covered by one or more policies of liability insurance shall notify any ~~person~~ individual injured by the motor vehicle, or the owner of any property damaged ~~thereby by the motor vehicle~~, of the name and address of all liability insurance companies ~~which that~~ that may cover the incident, and the numbers of the policies. The notification shall be made to the injured ~~person, individual~~ individual or the owner of the damaged property, or both, ~~not more than~~ within five days after the injury or damage. The information shall be given to the injured ~~person~~ individual and the owner of the damaged property at the last known address of each.

H. 795

An act relating to increasing hospital price transparency

Favorable with Amendment

H. 424

An act relating to the Interstate Compact on the Placement of Children

Rep. Gregoire of Fairfield, for the Committee on Human Services, recommends the bill be amended as follows:

First: In Sec. 1, repeal, by striking out “, subchapter 1”

Second: In Sec. 2, 33 V.S.A. chapter 59, subchapter 1, in the section designation, by striking out “, subchapter 1” and, following section 5918, by adding the following:

Subchapter 2. Provisions Relating to Interstate Compact for the

Placement of Children

§ 5921. FINANCIAL RESPONSIBILITY

Financial responsibility for any child placed pursuant to the provisions of the Interstate Compact for the Placement of Children shall be determined in accordance with the provisions of section 5907 of this title. However, in the event of partial or complete default of performance thereunder, the provisions of this title and Title 15 also may be invoked.

§ 5922. AGENCY

This State's "government child welfare agency or child protection agency," "public child placing agency," and "central state compact office" is the Department for Children and Families.

§ 5923. AGREEMENTS

The officers and agencies of this State having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to the Interstate Compact for the Placement of Children. Any such agreement which contains a financial commitment or imposes a financial obligation on this State or agency thereof shall not be binding unless it has the approval in writing of the Secretary of the Agency of Administration.

§ 5924. PLACEMENT OF CHILD IN ANOTHER STATE

The officers and agencies of this State having authority to place a child in the custody of the Commissioner of the Department for Children and Families may place such a child in another state. However, unless parental rights have been judicially terminated any such child being placed in another state pursuant to this compact shall, upon request, be given a court hearing on notice to the parent or guardian with opportunity to be heard prior to his or her being sent to such other state for care and the court finds that:

(1) equivalent facilities for the child are not available in this State;

(2) care in the other state is in the best interest of the child and will not produce undue hardship.

§ 5925. EXECUTIVE HEAD

The term "executive head" in this State means the Secretary of the Agency of Human Services. The Secretary of the Agency of Human Services is hereby authorized to appoint a compact administrator in accordance with the terms of section 5907 of this title.

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

following:

Sec. 3. EFFECTIVE DATES

(a) Secs. 1 and 2 shall take effect 18 months from the date on which the Compact set forth in Sec. 2 is enacted into law by 35 states.

(b) This section shall take effect on passage.

(Committee Vote: 11-0-0)

H. 562

An act relating to the definition of agricultural land for the purposes of use value appraisals

Rep. Graham of Williamstown, for the Committee on Agriculture and Forestry, recommends the bill ought to pass.

(Committee Vote: 8-0-0)

Rep. Masland of Thetford, for the Committee on Ways and Means, recommends that the bill be amended in Sec. 1, 32 V.S.A. § 3752(1) in subdivision (B) (definition of agricultural land), after "0.1 of an acre or less" by striking out "of the total enrolled land"

(Committee Vote: 11-0-0)

H. 643

An act relating to banking and insurance

Rep. Ralph of Hartland, for the Committee on Commerce and Economic Development, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Personal Information Protection Companies * * *

Sec. 1. 8 V.S.A. § 2100 is amended to read:

§ 2100. APPLICATION OF CHAPTER

(a) Except as otherwise provided in this part, this chapter applies to a person doing or soliciting business in this State as described in this part.

(b) This chapter does not apply to:

(1) development credit corporations subject to chapter 65 of this title; or

(2) independent trust companies subject to chapter 77 of this title; ~~or~~

~~(3) personal information protection companies subject to chapter 78 of this title.~~

Sec. 2. 8 V.S.A. § 2102(b)(14) is added to read:

(14) For an application for a personal information protection company license under chapter 78 of this title, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

Sec. 3. 8 V.S.A. § 2109(a)(14) is added to read:

(14) For a personal information protection company license under chapter 78 of this title, \$500.00.

Sec. 4. 8 V.S.A. § 2453 is amended to read:

§ 2453. QUALIFIED PERSONAL INFORMATION PROTECTION
COMPANY

(a) A personal information protection company shall qualify to conduct its business under the terms of this chapter, chapter 72 of this title, and applicable rules adopted by the Department of Financial Regulation.

(b) A person shall not engage in business as a personal information protection company in this State without first obtaining a certificate of authority license from the Department.

* * *

Sec. 5. REPEAL

8 V.S.A. § 2456 (concerning fees applicable to personal information protection companies under 8 V.S.A. chapter 78) is repealed.

* * * Licensed Lenders; Exemption; All States * * *

Sec. 6. 8 V.S.A. § 2201(d)(1) is amended to read:

(1) A ~~State~~ state agency, political subdivision, or other public instrumentality of ~~the State~~ a state.

* * * Financial and Related Services; Licensing * * *

Sec. 7. 8 V.S.A. § 2103 is amended to read:

§ 2103. APPROVAL OF APPLICATION AND ISSUANCE OF LICENSE

(a) Upon the filing of an application, payment of the required fees, and satisfaction of any applicable bond and liquid asset requirements, the Commissioner shall issue a license to the applicant if the Commissioner finds:

(1)(A) The financial responsibility, experience, character, and general fitness of the applicant command the confidence of the community and warrant belief that the business will be operated honestly, fairly, and efficiently pursuant to the applicable chapter of this title.

(i) If the applicant is a partnership or association, such findings are required with respect to each partner, member, and responsible individual of, and each person in control of, the applicant.

(ii) If the applicant is a corporation, such findings are required with respect to each officer, director, and responsible individual of, and each person in control of, the applicant.

(B) For purposes of assessing whether a person is financially responsible, the Commissioner may consider how the person has managed his or her own financial condition, which may include factors such as whether the person has:

(i) current outstanding judgments, except judgments solely as a result of medical expenses;

(ii) current outstanding tax liens or other government liens and filings;

(iii) foreclosures within the past three years; or

(iv) a pattern of seriously delinquent accounts within the past three years.

(2) Allowing the applicant to engage in business will promote the convenience and advantage of the community in which the applicant will conduct its business.

~~(3) The applicant is licensed to engage in the applicable business in its state of domicile and is in good standing in its state of domicile with its banking regulator or equivalent financial industry regulator.~~

(4) The applicant, each officer, director, and responsible individual of, and each person in control of, the applicant, has never had a financial services license or similar license revoked in any governmental jurisdiction, except that a subsequent formal vacation of such revocation shall not be deemed a revocation.

~~(5)~~(4) The applicant, each officer, director, and responsible individual of, and each person in control of, the applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court:

(A)(i) during the seven-year period preceding the date of the application for licensing and registration; or

(ii) at any time preceding such date of application, if such felony involved an act of fraud or dishonesty, a breach of trust, or money laundering;

and

(B) provided that any pardon or expungement of a conviction shall not be a conviction for purposes of this subsection.

~~(6)~~(5) The applicant has satisfied the applicable surety bond and liquid asset requirement as follows:

(A) for an application for a lender license, mortgage broker license, mortgage loan originator license, or loan solicitation license, the applicable bond and liquid asset requirements of sections 2203 and 2203a of this title;

(B) for an application for a litigation funding company registration, the financial stability requirement of section 2252 of this title;

(C) for an application for a money transmitter license, the bond and net worth requirements of sections 2507 and 2510 of this title;

(D) for an application for a debt adjuster license, the bond requirement of section 2755 of this title; and

(E) for an application for a loan servicer license, the bond requirement of sections 2903 and 2907 of this title.

~~(7)~~(6) For an application for a mortgage loan originator license, the applicant has satisfied the prelicense education requirement of section 2204a of this title and the prelicensing testing requirement of section 2204b of this title.

(b)(1) If the Commissioner finds the applicant does not meet the requirements of subsection (a) of this section, the Commissioner shall not issue a license.

(2) Not later than 60 days after an applicant files a complete application, the Commissioner shall notify the applicant of the denial, stating the reason or reasons therefor.

(3) If the applicant does not file a timely request for reconsideration pursuant to section 2104 of this title, the Commissioner shall:

(A) return to the applicant any amounts paid for the applicable bond requirement and license fee; and

(B) retain the investigation fee to cover the costs of investigating the application.

(c)(1) If the Commissioner finds that an applicant meets the requirements of subsection (a) of this section, he or she shall issue the license not later than 60 days after an applicant submits a complete application.

(2) Except as otherwise provided in this title, a license is valid until the licensee surrenders the license or the Commissioner revokes, suspends, terminates, or refuses to renew the license.

(d) For good cause shown and consistent with the purposes of this section, the Commissioner may waive or modify the requirements of ~~subdivisions~~ subdivision (a)(3) and ~~(a)(4)~~ of this section; provided, however, that the Commissioner may not waive the requirement of ~~subdivision~~ subdivision (a)(3) of this section for applicants for a mortgage loan originator license.

(e) If an application is remains incomplete and ~~the applicant has not corresponded with the Commissioner for 90~~ 120 days, the Commissioner may deem the application abandoned or withdrawn.

(f) This section does not apply to a person applying for a commercial lender license under section 2202a of this title.

Sec. 8. 8 V.S.A. § 2104(b)(3)(A) is amended to read:

(A) return to the applicant the bond, if any, and any amounts paid for the applicable ~~bond requirement and~~ license fee; and

Sec. 9. 8 V.S.A. § 2115 is amended to read:

§ 2115. PENALTIES

(a) The Commissioner may:

(1) impose an administrative penalty of not more than \$10,000.00, plus the State's cost and expenses of investigating and prosecution of the matter, including attorney's fees, for each violation upon any person who violates or participates in the violation of this part; chapter 200 of this title; 9 V.S.A. chapter 4, 59, or 61; or any lawful rule adopted, or directive or order issued, pursuant to those sections; and

(2) order any person to make restitution to another person for a violation of this ~~title~~ part, chapter 200 of this title, or 9 V.S.A. chapter 4, 59, or 61.

* * *

Sec. 10. 8 V.S.A. § 2120(c) is amended to read:

(c) A licensee shall submit to the Nationwide ~~Mortgage~~ Multistate Licensing System and Registry reports of condition in a form and including the information the Nationwide Multistate Licensing System and Registry requires, if applicable.

* * * Prepaid Access Cards; Fees * * *

Sec. 11. 8 V.S.A. § 2703 is amended to read:

§ 2703. PROHIBITED FEES

(a) Dormancy fees, latency fees, issuance fees, redemption fees, or any other administrative fees or service charges in connection with a gift certificate are prohibited.

(b) Notwithstanding subsection (a) of this section, a money transmitter licensed under chapter 79 of this title, financial institution, or credit union may charge a one-time fee upon the issuance of a prepaid access card ~~equal to the lesser of:~~

~~(1) 10 percent of the face amount purchased or added to the prepaid access card; or~~

~~(2) that is reasonably related to the cost to the issuer of issuing the card; provided that, in no event shall the fee exceed \$10.00.~~

* * * Credit for Reinsurance * * *

Sec. 12. 8 V.S.A. § 3634a is amended to read:

§ 3634a. CREDIT FOR REINSURANCE

(a) It is the purpose of this section to protect the interest of insureds, claimants, ceding insurers, assuming insurers, and the public generally. The General Assembly hereby declares its intent is to ensure adequate regulation of insurers and reinsurers and adequate protection for those to whom they owe obligations. In furtherance of that State interest, the General Assembly hereby provides a mandate that upon the insolvency of a non-U.S. insurer or reinsurer that provides security to fund its U.S. obligations in accordance with this section, the assets representing the security shall be maintained in the United States and claims shall be filed with and valued by the state insurance Commissioner with regulatory oversight, and the assets shall be distributed in accordance with the insurance laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic U.S. insurance companies. The General Assembly declares that the matters contained in this section are fundamental to the business of insurance in accordance with 15 U.S.C. §§ 1011–1012.

(b) Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a deduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of subdivision (1), (2), (3), (4), (5), ~~or (6), or (7)~~ of this subsection. Credit shall be allowed under subdivision (1), (2), or (3) of this subsection only with respect to cessions of those kinds or classes of business which the assuming insurer is licensed or otherwise

permitted to write or assume in its state of domicile or, in the case of a U.S. branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance. Credit shall be allowed under subdivision (3) or (4) of this subsection only if the applicable requirements of subdivision ~~(7)~~(8) of this subsection have been satisfied.

* * *

(6)(A) Credit shall be allowed when the reinsurance is ceded to an assuming insurer meeting each of the conditions set forth below:

(i) The assuming insurer shall have its head office or be domiciled in, as applicable, and be licensed in a reciprocal jurisdiction. As used in this section, “reciprocal jurisdiction” means a jurisdiction that meets one of the following:

(I) a non-U.S. jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and European Union, is a member state of the European Union. As used in this subsection, a “covered agreement” means an agreement entered into pursuant to Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. §§ 313 and 314, that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this State or for allowing the ceding insurer to recognize credit for reinsurance;

(II) a U.S. jurisdiction that meets the requirements for accreditation under the NAIC financial standards and accreditation program; or

(III) a qualified jurisdiction, as determined by the Commissioner pursuant to subdivision (5)(C) of this subsection, that is not otherwise described in subdivision (6)(A)(i)(I) or (6)(A)(i)(II) of this subsection and that meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified by the Commissioner in rule.

(ii) The assuming insurer must have and maintain, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth in rule. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it must have and maintain, on an ongoing basis, minimum capital and surplus equivalents, net of liabilities,

calculated according to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance in amounts to be set forth in rule.

(iii) The assuming insurer must have and maintain, on an ongoing basis, a minimum solvency or capital ratio, as applicable, that will be set forth in rule. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it must have and maintain, on an ongoing basis, a minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed.

(iv) The assuming insurer must agree and provide adequate assurance to the Commissioner, in a form specified in rule by the Commissioner, of the following:

(I) The assuming insurer must provide prompt written notice and explanation to the Commissioner if it falls below the minimum requirements set forth in subdivision (6)(A)(ii) or (6)(A)(iii) of this subsection, or if any regulatory action is taken against it for serious noncompliance with applicable law.

(II) The assuming insurer must consent in writing to the jurisdiction of the courts of this State and to the appointment of the Commissioner as agent for service of process. The Commissioner may require that consent for service of process be provided to the Commissioner and included in each reinsurance agreement. Nothing in this subsection shall limit, or in any way alter, the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws.

(III) The assuming insurer must consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained.

(IV) Each reinsurance agreement must include a provision requiring the assuming insurer to provide security in an amount equal to 100 percent of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate.

(V) The assuming insurer must confirm that it is not presently participating in any solvent scheme of arrangement that involves this State's ceding insurers, and agree to notify the ceding insurer and the Commissioner and to provide security in an amount equal to 100 percent of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter into such a solvent scheme of arrangement. Such security shall be in a form consistent with the provisions of subdivision (b)(5) and subsection (c) of this section and as specified by the Commissioner in rule.

(v) The assuming insurer or its legal successor must provide, if requested by the Commissioner, on behalf of itself and any legal predecessors, certain documentation to the Commissioner, as specified by the Commissioner in rule.

(vi) The assuming insurer must maintain a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth in rule.

(vii) The assuming insurer's supervisory authority must confirm to the Commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, that the assuming insurer complies with the requirements set forth in subdivisions (6)(A)(ii) and (6)(A)(iii) of this subsection.

(viii) Nothing in this subdivision (b)(6)(A) precludes an assuming insurer from providing the Commissioner with information on a voluntary basis.

(B) The Commissioner shall timely create and publish a list of reciprocal jurisdictions.

(i) A list of reciprocal jurisdictions is published through the NAIC committee process. The Commissioner's list shall include any reciprocal jurisdiction as defined under subdivisions (6)(A)(i)(I) and (6)(A)(i)(II) of this subsection and shall consider any other reciprocal jurisdiction included on the NAIC list. The Commissioner may approve a jurisdiction that does not appear on the NAIC list of reciprocal jurisdictions in accordance with criteria to be developed in rules adopted by the Commissioner.

(ii) The Commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in accordance with a process set forth in rules adopted by the Commissioner, except that the Commissioner shall not remove from the list a reciprocal jurisdiction as defined under subdivisions (6)(A)(i)(I) and (6)(A)(i)(II) of this subsection.

Upon removal of a reciprocal jurisdiction from this list, credit for reinsurance ceded to an assuming insurer that has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise allowed pursuant to this section.

(C) The Commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in this subsection and to which cessions shall be granted credit in accordance with this subsection. The Commissioner may add an assuming insurer to such list if an NAIC accredited jurisdiction has added such assuming insurer to a list of such assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to the Commissioner as required under subdivision (6)(A)(iv) of this subsection and complies with any additional requirements that the Commissioner may impose by rule, except to the extent that they conflict with an applicable covered agreement.

(D) If the Commissioner determines that an assuming insurer no longer meets one or more of the requirements under this subsection, the Commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this subsection in accordance with procedures set forth in rule.

(i) While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the effective date of the suspension qualifies for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with subsection (c) of this section.

(ii) If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the Commissioner and consistent with the provisions of subsection (c) of this section.

(E) If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

(F) Nothing in this subsection shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by this section or other applicable law or rule.

(G)(i) Credit may be taken under this subsection only for reinsurance agreements entered into, amended, or renewed on or after January 1, 2021, and only with respect to losses incurred and reserves reported on or after the later of:

(I) the date on which the assuming insurer has met all eligibility requirements pursuant to subdivision (6)(A) of this subsection, and

(II) the effective date of the new reinsurance agreement, amendment, or renewal.

(ii) This subdivision (b)(6)(G) does not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under this subsection, as long as the reinsurance qualifies for credit under any other applicable provision of this section.

(iii) Nothing in this subsection shall authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement.

(iv) Nothing in this subsection shall limit, or in any way alter, the capacity of parties to any reinsurance agreement to renegotiate the agreement.

(7) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of subdivision (1), (2), (3), (4), ~~or (5), or (6)~~ of this subsection, but only as to the insurance of risks located in jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction.

~~(7)~~(8) If the assuming insurer is not licensed or accredited or certified to transact insurance or reinsurance in this State, the credit permitted by subdivisions (3) and (4) of this subsection shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(A) That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, will comply with all requirements necessary to give such court jurisdiction, and will abide by the final decision of such court or of any appellate court in the event of an appeal.

(B) To designate the Commissioner, the Secretary of State, or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit, or proceeding instituted by or on behalf of the ceding company. This provision is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate

their disputes, if this obligation is created in the agreement.

~~(8)~~(9) If the assuming insurer does not meet the requirements of subdivision (1), (2), ~~or (3)~~, or (6) of this subsection, the credit permitted by subdivision (4) or (5) of this subsection shall not be allowed unless the assuming insurer agrees in the trust agreements to the following conditions:

(A) Notwithstanding any other provisions in the trust instrument to the contrary, if the trust fund is inadequate because it contains an amount less than the amount required by subdivisions (4)(B)–(D) of this subsection or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the Commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the Commissioner with regulatory oversight all of the assets of the trust fund.

(B) The assets shall be distributed by and claims shall be filed with and valued by the Commissioner with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies.

(C) If the Commissioner with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the U.S. ceding insurers of the grantor of the trust, the assets or part thereof shall be returned by the Commissioner with regulatory oversight to the trustee for distribution in accordance with the trust agreement.

(D) The grantor shall waive any right otherwise available to it under U.S. law that is inconsistent with this provision.

~~(9)~~(10) If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the Commissioner may suspend or revoke the reinsurer's accreditation or certification.

(A) The Commissioner must give the reinsurer notice and opportunity for hearing. The Commissioner may suspend or revoke a reinsurer's accreditation or certification without a hearing if:

(i) the reinsurer waives its right to hearing;

(ii) the Commissioner's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under subdivision (5)(F) of this subsection; or

(iii) the Commissioner finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the Commissioner's action.

(B) While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with subsection (c) of this section. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance may be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with subdivision (5)(E) of this subsection or subsection (c) of this section.

~~(10)~~(11) Concentration Risk.

* * *

* * * Insurance Claims; Annuity Death Benefits; Interest Payments * * *

Sec. 13. 8 V.S.A. § 3664 is amended to read:

§ 3664. FORMS; FILING PROOF OF LOSS AND OTHER DOCUMENTS,
WAIVER OF FILING

Insurance companies, societies, or associations, or insurance adjusters appointed by said companies, societies, or associations shall furnish in form for completion by the ~~insured~~ claimant, as defined in section 3665a of this title, or beneficiary, as defined in section 3665b of this title, all documents as to proof of loss or other matter required by contract to be submitted to the companies. Failure to furnish said forms within a reasonable time after notice of loss or damage is received by said companies, societies, or associations shall be deemed a waiver of any requirement that proof of loss shall be filed with the insurer on said forms as a condition precedent to the recovery of losses or claims.

Sec. 14. REPEAL

8 V.S.A. § 3665 (concerning the timely payment of insurance claims) is repealed.

Sec. 15. 8 V.S.A. § 3665a is added to read:

§ 3665a. TIMELY PAYMENT OF PROPERTY AND CASUALTY
INSURANCE CLAIMS; INTEREST

(a) This section applies to policies of property, casualty, surety, and title insurance, as defined in section 3301 of this title. It does not apply to workers'

compensation insurance. As used in this section, “claimant” means any person asserting a right to payment under an insurance policy or contract arising out of the occurrence of the contingency or loss covered by such policy or contract or any person asserting a claim against any other person or the interests insured under an insurance policy or contract, and includes a claimant’s designated legal representative and any member of the claimant’s immediate family designated in writing by the claimant.

(b) Unless a different time period is specified in another section of this title, all payments of claims under policies of insurance shall be made within time periods provided by this section:

(1) For claims under policies of insurance other than surety insurance and title insurance, within 10 business days after the date that settlement of the claim is agreed upon between the insurer, the claimant, and the loss payee, as applicable, and in accordance with rules adopted by the Commissioner.

(2) For claims under policies of surety and title insurance, within 30 days after the date that settlement of the claim is agreed upon between the insurer, the claimant, and the loss payee, as applicable, and in accordance with rules adopted by the Commissioner.

(3) If a claim is contested, within 30 days after the entry of a final nonappealable judgment against the insurer; the entry of a binding arbitration decision between the insurer, the claimant, the loss payee, and the Department, as applicable; or the execution of a settlement agreement between the insurer, the claimant, the loss payee, and the Department, as applicable.

(c) If an insurer fails to pay a claim within the applicable time period set forth in subsection (b) of this section or any other time period provided by statute, it shall thereafter pay interest on the amount of the claim at the judgment rate allowed by law. Interest shall accrue from 30 days after the date the insurer receives a properly executed proof of loss.

Sec. 16. 8 V.S.A. § 3665b is added to read:

§ 3665b. TIMELY PAYMENT OF LIFE INSURANCE CLAIMS AND

ANNUITY DEATH BENEFITS; INTEREST

(a) This section applies to policies of life insurance and contracts of annuity. As used in this section, a “beneficiary” means any person making a claim against a policy of life insurance or for death benefits provided under a contract of annuity.

(b) A claim for payment of benefits under a policy of life insurance shall be paid within 30 days after the date that a properly executed proof of loss is

received by the insurer. All payments of claims under policies of life insurance shall include interest accrued from the date of death of the insured to the date of payment. The interest rate shall be the rate paid on proceeds left on deposit or six percent, whichever is greater.

(c) A claim for payment of benefits under a contract of annuity shall be paid within 30 days after the date that a properly executed proof of loss is received by the insurer. Payments of claims for death benefit proceeds under contracts of annuity shall include interest at the rate paid for proceeds left on deposit or six percent, whichever is greater. Interest shall accrue and be payable as follows:

(1) For variable annuity contracts subject to the Securities and Exchange Commission's rules governing the liquidation of account values at the death of the beneficiary, from the eighth day following the date that a properly executed proof of loss is received by the insurer.

(2) For all other contracts of annuity, from the date of death of the measuring life, unless the contract specifies that the contract remains in force until the date that a properly executed proof of loss is received by the insurer. For purposes of this section, the individual whose death triggers the death benefit proceeds is the measuring life.

(d) If a claim is contested, it shall be paid within 30 days after the entry of a final nonappealable judgment against the insurer; the entry of a binding arbitration decision between the insurer, the beneficiary, and the Department, as applicable; or the execution of a settlement agreement between the insurer, the beneficiary, and the Department, as applicable.

(e) If an insurer fails to pay a claim within the applicable time period set forth in subsection (b), (c), or (d) of this section, it shall thereafter pay interest on the amount of the claim at the judgment rate allowed by law. Interest shall accrue from 30 days after the date the insurer receives a properly executed proof of loss.

Sec. 17. 8 V.S.A. § 3665c is added to read:

§ 3665c. DAMAGES

An insurance company, including a society and an association, is responsible for payment of any consequential damages, including all penalties or costs, caused by improper delay in payment or settlement of claims to claimants, loss payees, or beneficiaries under policies of insurance subject to section 3665a or 3665b of this title. Consequential damages for improper delay are not applicable when a policy expressly provides for periodic payments or when a claimant, loss payee, or beneficiary agrees to accept

periodic payments, unless an insurer improperly delays making such periodic payments.

Sec. 18. 8 V.S.A. § 3731(10) is amended to read:

(10) Payment of claims. There shall be a provision that when the benefits under the policy shall become payable by reason of the death of the insured, settlement shall be made upon receipt of due proof of death, and at the insurer's option, surrender of the policy and/or proof of the interest of the claimant. If an insurer shall specify a particular period prior to the expiration of which settlement shall be made, such period shall not exceed ~~two months~~ 30 days from the receipt of such proofs.

* * * Public Holding Company Acquisitions; Public Hearings * * *

Sec. 19. 8 V.S.A. § 3683(f) is amended to read:

(f) Approval by Commissioner; hearings.

(1) The Commissioner shall hold a public hearing on any merger or other acquisition of control referred to in subsection (a) of this section if the Commissioner determines that the statement filed as required by this section does not demonstrate compliance with the standards referred to in subsection (b) of this section or if the Commissioner determines that such acquisition of control is likely to be hazardous or prejudicial to the insurance buying public, or at the request of the acquiring party. Holding a public hearing is otherwise optional at the discretion of the Commissioner. In the event the Commissioner determines that a public hearing is not required, the Commissioner shall require that notice of the transaction be published on the website maintained by the Department of Financial Regulation and in two daily newspapers of general jurisdiction in Vermont, as determined by the Commissioner. The notice shall describe the proposed transaction and state that members of the public and interested parties may file written comments on the proposed transaction with the Commissioner. The Commissioner shall consider all written comments received within 14 days after initial publication of the notice and may subsequently hold a public hearing in response to any comments received. The Commissioner shall approve any merger or other acquisition of control referred to in subsection (a) of this section unless, ~~after a public hearing thereon,~~ he or she finds that:

(A) after the change of control the domestic insurer referred to in subsection (a) of this section would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(B) the effect of the merger or other acquisition of control would be

substantially to lessen competition in insurance in this State or tend to create a monopoly. In applying the competitive standard in this subdivision:

(i) the informational requirements of subdivision 3683a(c)(1) and the standards of subdivision 3683a(d)(2) of this chapter shall apply;

(ii) the merger or other acquisition shall not be disapproved if the Commissioner finds that any of the situations meeting the criteria provided by subdivision 3683a(d)(3) of this chapter exist; and

(iii) the Commissioner may condition the approval of the merger or other acquisition on the removal of the basis of disapproval within a specified period of time;

(C) the financial condition of any acquiring party is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders;

(D) the terms of the offer, request, invitation, agreement, or acquisition referred to in subsection (a) of this section are unfair and unreasonable to the security holders of the insurer;

(E) the plans or proposals ~~which~~ that the acquiring party has to liquidate the insurer, sell its assets or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management are unfair and unreasonable to policyholders of the insurer and not in the public interest;

(F) the competence, experience, and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control; or

(G) the acquisition is likely to be hazardous or prejudicial to the insurance-buying public.

(2) The public hearing referred to in subdivision (1) of this subsection (f), if required, shall be held within ~~30~~ 60 days after the statement required by subsection (a) of this section is filed, and at least 20 days' notice thereof shall be given by the Commissioner to the person filing the statement. Not less than seven days' notice of such public hearing shall be given by the person filing the statement to the insurer and to such other persons as may be designated by the Commissioner. The insurer shall give such notice to its security holders. The Commissioner shall make a determination within 30 days after the conclusion of such hearing or, if a public hearing is not required, within 30 days after the comment period deadline; provided, however, that, if the insurer is or will be an affiliate of a depository institution or any affiliate

thereof, the Commissioner shall issue a determination within the 60-day period preceding the effective date of the acquisition or change or continuation of control of an insurer. At such hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent, and any other person whose interests may be affected thereby shall have the right to present evidence, examine, and cross-examine witnesses, and offer oral and written arguments and in connection therewith shall be entitled to conduct discovery proceedings in the same manner as is presently allowed in the Superior Court of this State. All discovery proceedings shall be concluded not later than three days prior to the commencement of the public hearing.

(3) If the proposed acquisition of control will require the approval of more than one commissioner, the public hearing ~~required by subdivision (2) of this subsection~~ may be held on a consolidated basis upon request of the person filing the statement referred to in subsection (a) of this section. Such person shall file the statement referred to in subsection (a) of this section with the NAIC within five days of making the request for a public hearing. A commissioner may opt out of a consolidated hearing and shall provide notice to the applicant of the opt-out within 10 days of the receipt of the statement referred to in subsection (a) of this section. A hearing conducted on a consolidated basis shall be public and shall be held within the United States before the commissioners of the states in which the insurers are domiciled. Such commissioners shall hear and receive evidence. A commissioner may attend such hearing in person or by telecommunication.

(4) In connection with a change of control of a domestic insurer, any determination by the Commissioner that the person acquiring control of the insurer shall be required to maintain or restore the capital of the insurer to the level required by the laws and rules of this State shall be made not later than 60 days after the date of notification of the change in control submitted pursuant to subdivision (a)(1) of this section.

(5) The Commissioner may retain at the acquiring person's expense any attorneys, actuaries, accountants, and other experts not otherwise a part of the Commissioner's staff as may be reasonably necessary to assist the Commissioner in reviewing the proposed acquisition of control.

* * * INSURANCE HOLDING COMPANIES; CONFORMING
CROSS REFERENCE * * *

Sec. 20. 8 V.S.A. § 3681(3) is amended to read:

(3) "Control" ~~(including the terms "controlling," "controlled by" and "under common control with")~~, means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a

person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10 percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in the manner provided by subsection ~~3684(i)~~ 3684(l) of this title that control does not exist in fact. The Commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

* * * Life Insurance; Conforming Cross References * * *

Sec. 21. 8 V.S.A. § 3859(a) is amended to read:

(a) Except for subdivisions 3731(2), (7), (8), and (9), ~~sections 3741-3749~~ ~~sections 3760-3773~~, inclusive, and section 3813 of this title in the case of a variable life insurance policy, and section 3750 of this title in the case of a variable annuity contract, and except as otherwise provided in this subchapter, all pertinent provisions of this title apply to separate accounts and contracts relating thereto. Any individual variable life insurance contract, delivered or issued for delivery in this State shall contain grace, reinstatement, and nonforfeiture provisions appropriate to such a contract. Any group variable life insurance contract, delivered or issued for delivery in this State, shall contain grace provisions appropriate to such a contract.

* * * INSURANCE TRADE PRACTICES; CONFORMING
CROSS REFERENCE * * *

Sec. 22. 8 V.S.A. § 4724(7)(B)(ii) is amended to read:

(ii) Rates; however, nothing in this subdivision shall prevent any person who contracts to insure another from setting rates for such insurance in accordance with reasonable classifications based on relevant actuarial data or actual cost experience in accordance with ~~section 4656~~ section 4686 of this title.

* * * Hospital and Medical Service Corporations; Annual
Report Deadline * * *

Sec. 23. 8 V.S.A. § 4516 is amended to read:

§ 4516. ANNUAL REPORT TO COMMISSIONER

Annually, on or before ~~March 15~~ March 1, a hospital service corporation

shall file with the Commissioner of Financial Regulation a statement sworn to by the president and treasurer of the corporation showing its condition on December 31. The statement shall be in such form and contain such matters as the Commissioner shall prescribe. To qualify for the tax exemption set forth in section 4518 of this title, the statement shall include a certification that the hospital service corporation operates on a nonprofit basis for the purpose of providing an adequate hospital service plan to individuals of the State, both groups and nongroups, without discrimination based on age, gender, geographic area, industry, and medical history, except as allowed by subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title.

Sec. 24. 8 V.S.A. § 4588 is amended to read:

§ 4588. ANNUAL REPORT TO COMMISSIONER

Annually, on or before ~~March 15~~ March 1, a medical service corporation shall file with the Commissioner of Financial Regulation a statement sworn to by the president and treasurer of the corporation showing its condition on December 31, which shall be in such form and contain such matters as the Commissioner shall prescribe. To qualify for the tax exemption set forth in section 4590 of this title, the statement shall include a certification that the medical service corporation operates on a nonprofit basis for the purpose of providing an adequate medical service plan to individuals of the State, both groups and nongroups, without discrimination based on age, gender, geographic area, industry, and medical history, except as allowed by subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title.

* * * Association Health Plans; Required Policy Provisions * * *

Sec. 25. 8 V.S.A. § 4079a(d)(3) is added to read:

(3) This subsection does not apply to association health plans that were formed or could have been formed under the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1901, et. seq., and accompanying U.S. Department of Labor regulations and guidance, in each case, as in effect as of January 19, 2017.

Sec. 26. 8 V.S.A. § 4080(b) is amended to read:

(b)(1) Preexisting condition exclusions.

(A) A group insurance policy shall not contain any provision that excludes, restricts, or otherwise limits coverage under the policy for one or more preexisting health conditions.

~~(B) As used in this subdivision (1), “group insurance policy” shall not include a policy providing coverage for a specified disease or other limited~~

benefit coverage.

* * *

(5) As used in this subsection, “group insurance policy” has the same meaning as “group health plan” and shall be subject to the same excepted benefits, in each case, as set forth in 45 C.F.R. § 146.145, as in effect as of December 31, 2017.

Sec. 27. 8 V.S.A. § 4089d(a) is amended to read:

(a) As used in this section, “health insurance plan” ~~means any group or individual policy; nonprofit hospital or medical service corporation subscriber contract; health maintenance organization contract; self-insured group plan, to the extent permitted under federal law; and prepaid health insurance plans delivered, issued for delivery, renewed, replaced, or assumed by another insurer, or in any other way continued in force in this State~~ has the same meaning as “group health plan” and shall be subject to the same excepted benefits, in each case, as set forth in 45 C.F.R. § 146.145, as in effect as of December 31, 2017.

* * * Securities; Filing Fees; Federal Covered Firms * * *

Sec. 28. 9 V.S.A. § 5410(e) is amended to read:

(e) A federal covered investment adviser required to file a notice under section 5405 of this title shall pay an initial fee of \$300.00 and an annual notice fee of \$300.00. ~~To the extent required to be included in documents filed with the Securities and Exchange Commission, such notice filing shall include information on the branch offices of a federal covered investment adviser who transacts business in this State from any place of business located within this State, accompanied by a notice filing fee of \$120.00 per branch office in Vermont.~~ A notice filing may be terminated by filing notice of such termination with the Commissioner. If a notice filing results in a denial or withdrawal, the Commissioner shall retain the fee.

* * * Effective Dates * * *

Sec. 29. EFFECTIVE DATES

This act shall take effect on July 1, 2020, except that Sec. 12 (credit for reinsurance) shall take effect on January 1, 2021.

(Committee Vote: 11-0-0)

Rep. Donahue of Northfield, for the Committee on Health Care, recommends the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development.

(Committee Vote: 11-0-0)

Rep. Anthony of Barre City, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development.

(Committee Vote: 11-0-0)

H. 683

An act relating to prohibiting incidental take of migratory birds

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

Sec. 1. FINDINGS

The General Assembly finds:

(1) On December 22, 2017, the U.S. Department of the Interior released a memorandum stating that the agency would no longer interpret the Migratory Bird Treaty Act as prohibiting incidental take of migratory birds. This changes the way the Act has been interpreted for the past 40 years.

(2) Vermont is an important stop for birds that migrate along the Atlantic Flyway.

(3) The Department of Fish and Wildlife reports that Vermont has approximately 260 species of birds. Of those, Vermont hosts 125 forest species, making it one of the most forest-species-rich states in the nation.

(4) According to a 2015 report by the Gund Institute, at 39 percent, Vermont leads the nation in number of residents who participate in bird watching, which is nearly double the national average of 20 percent. Vermont is second only to Alaska in the number of residents who participate in hunting, fishing, and wildlife viewing.

(5) According to a 2011 report by the U.S. Fish and Wildlife Service, bird watching attracts many people to Vermont. In 2011, wildlife watchers spent \$289 million on wildlife-watching activities in Vermont. The report found that 292,000 people participated in bird watching and 56 percent of them took trips away from home to participate in bird watching.

(6) Migratory birds are important to Vermont's citizens and economy and should be protected from incidental take in Vermont law.

Sec. 2. 10 V.S.A. § 4902 is amended to read:

§ 4902. WILD BIRDS GENERALLY; NO OPEN SEASON; EXCEPTION

(a) Wild birds, other than pigeons, shall not be taken, possessed, bought, or sold, at any time, except as provided by this part, rules of the Board, or orders of the Commissioner. Birds coming from ~~without~~ outside the State belonging to the same family as those protected by this subchapter shall not be bought or sold.

(b) Bird harm or death that results from human activity where the intent was not to harm or kill the bird, but where bird harm or death was a direct and foreseeable result of the activity, is prohibited. Nothing in this section shall require the Department to implement a new permitting program.

Sec. 3. 10 V.S.A. § 4910 is added to read:

§ 4910. ENFORCEMENT DISCRETION

For purposes of migratory bird protection in this title, the Commissioner has authority to exercise enforcement discretion, including refraining from taking any enforcement action for the incidental take of migratory birds. Enforcement, if any, shall focus on activities that have at least local population level impacts on migratory birds. Enforcement of this provision, shall be in accordance with 10 V.S.A. Section 4520.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

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

(Committee Vote: 10-1-0)

H. 734

An act relating to prohibiting certain provisions in dental insurance contracts with dentists

Rep. O'Sullivan of Burlington, for the Committee on Commerce and Economic Development, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. chapter 110 is added to read:

CHAPTER 110. DENTAL INSURANCE

§ 4121. DEFINITIONS

As used in this chapter:

(1) “Covered individual” means an individual covered under a dental insurance plan or a health insurance plan.

(2) “Covered service” means a dental service for which reimbursement is available under a covered individual’s dental insurance plan or health insurance plan or for which reimbursement would be available but for the application of contractual limitations such as deductibles, co-payments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or other limitations.

(3) “Dental insurance plan” means a stand-alone dental plan or policy that provides coverage for dental services apart from a health insurance plan.

(4) “Dental insurer” means any health or dental insurance company, including a nonprofit dental service corporation, that offers a dental insurance plan for sale.

(5) “Dentist” means an individual licensed to practice dentistry under 26 V.S.A. chapter 12.

(6) “Health insurer” has the same meaning as in 18 V.S.A. § 9402.

(7) “Health insurance plan” means any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this State by a health insurer. The term does not include benefit plans providing coverage for specific disease or other limited benefit coverage.

§ 4122. FEES FOR COVERED DENTAL SERVICES

(a) No dental insurer, health insurer, or other similar entity that covers dental services and is subject to regulation by the Department of Financial Regulation, and no contract or participating provider agreement with a dentist, shall require, directly or indirectly, that a dentist who is a participating provider provide dental services to a covered individual at a fee set by, or subject to the approval of, the insurer or other regulated entity unless the dental services are covered services.

(b) No person providing third-party administrator services shall make available to any customers a plan that sets dental fees for providers in its provider network for any dental services other than covered services.

(c) Fees for covered services shall be set in good faith and shall not be nominal.

(d) The Commissioner of Financial Regulation shall enforce the provisions of this section pursuant to the Commissioner’s authority under this title.

§ 4123. PAYMENT FOR DENTAL SERVICES

(a) As used in this section, “credit card payment” means a type of electronic funds transfer in which a dental insurance plan or dental insurer or its contracted vendor issues a single-use series of numbers associated with payment for dental services delivered by a dentist and chargeable for a predetermined dollar amount, in which the dentist is responsible for processing the payment using a credit card terminal or Internet portal. The term includes virtual or online credit card payments in which no physical credit card is presented to the dentist and the single-use credit card number expires upon payment processing.

(b) A dental insurance plan, contract, or participating provider agreement with a dentist shall not contain restrictions on methods of payment from the dental insurer or its third party administrator to the dentist in which the only acceptable payment method is a credit card payment.

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2021 and shall apply to all contracts and participating provider agreements between a dental insurer or third-party administrator and a dentist that are entered into on or after that date and to all dental insurance plans issued on and after January 1, 2021 on such date as a dental insurer offers, issues, or renews the plan, but in no event later than January 1, 2022.

(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)

Rep. Fagan of Rutland City, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Health Care.

(Committee Vote: 11-0-0)

H. 833

An act relating to the interbasin transfer of surface waters

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

Sec. 1. SURFACE WATER DIVERSIONS AND TRANSFERS STUDY

GROUP; REPORT

(a) Creation. The Secretary of Natural Resources (Secretary) shall convene a Surface Water Diversions and Transfers Study Group to investigate and make recommendations to the General Assembly regarding the environmental, economic, and recreational impacts of surface water diversions, including the transfer of surface water between watersheds.

(b) Membership. The Surface Water Diversions and Transfers Study Group shall be composed of the following members:

- (1) the Secretary of Natural Resources or designee;
- (2) the Secretary of Agriculture, Food and Markets or designee;
- (3) one member of the Senate Committee on Natural Resources and Energy, appointed by the Committee on Committees;
- (4) one member of the House Committee on Natural Resources, Fish, and Wildlife, appointed by the Speaker of the House;
- (5) two persons representing businesses or industries reliant on large quantities of surface water, appointed by the Committee on Committees;
- (6) two persons representing nonprofit environmental advocacy groups, appointed by the Speaker of the House;
- (7) one hydrologist, appointed by the Secretary; and
- (8) one person representing an agriculture or forest products business conducted on working lands, appointed by the Secretary of Agriculture, Food and Markets.

(c) Duties. The Surface Water Diversions and Transfers Study Group shall:

- (1) develop a baseline inventory of the current and projected quantity, location, and usage of diversions and transfers of surface water in Vermont;
- (2) recommend whether or not surface water transfers between watersheds should occur;
- (3) identify whether the State of Vermont should develop and implement a statewide permitting or other regulatory regime for diversions or other transfers of surface water, including the scale or size of a watershed subject to regulation;
- (4) analyze potentially viable regimes to address the use of surface water in Vermont;
- (5) if necessary, propose legislative changes to implement the recommendations of the Study Group; and
- (6) if necessary, identify any water quality rules, policies, or procedures that may require updating to implement the recommendations of the Study Group.

(d) Assistance. The Surface Water Diversions and Transfers Study Group shall have the administrative, technical, and legal assistance of the Agency of Natural Resources and shall have the legal and drafting assistance of the Office of Legislative Council.

(e) Report. On or before January 15, 2021, the Surface Water Diversions and Transfers Study Group shall submit a written report to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy providing its findings and recommendations under subsection (c) of this section.

(f) Meetings.

(1) The Secretary of Natural Resources shall call the first meeting of the Surface Water Diversions and Transfers Study Group.

(2) The Secretary of Natural Resources or designee shall be the chair of the Surface Water Diversions and Transfers Study Group.

(3) A majority of the membership of the Surface Water Diversions and Transfers Study Group shall constitute a quorum.

(4) The Surface Water Diversions and Transfers Study Group shall cease to exist on February 1, 2021.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Surface Water Diversions and Transfers Study Group serving in his or her capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than six meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Surface Water Diversions and Transfers Study Group shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings. These payments shall be made from monies appropriated to the Agency of Natural Resources.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the bill be amended to read: “An act relating to surface water diversions”

(Committee Vote: 10-0-1)

Rep. Helm of Fair Haven, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Natural Resources; Fish; and Wildlife.

(Committee Vote: 11-0-0)

H. 837

An act relating to enhanced life estate deeds

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

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

Sec. 1. 27 V.S.A. chapter 6 is added to read:

CHAPTER 6. ENHANCED LIFE ESTATE DEEDS

§ 651. SHORT TITLE

This chapter shall be known as the “Enhanced Life Estate Deed Act” or the “ELED Act”.

§ 652. APPLICATION OF CHAPTER

This chapter applies to deeds in which a grantor reserves a common law life estate interest in real property while expressly reserving rights such that the deed creates a contingent remainder interest in the grantee.

§ 653. DEFINITIONS

In this chapter, unless a deed indicates an intention to the contrary:

(1) “Convey” means to grant, sell, gift, lease, transfer, or encumber real property, with or without consideration, including the ability to revise or revoke a deed.

(2) “Enhanced life estate deed” or “ELE Deed” means a deed in which:

(A) the grantor expressly reserves a common law life estate;

(B) the grantor expressly reserves the right to convey the property during the grantor’s lifetime;

(C) the grantee acquires a contingent remainder interest such that, prior to the death of the grantor, the grantee has no vested rights in the property; and

(D) upon the death of the grantor, title vests in the surviving grantee or, for a deceased grantee, title passes pursuant to section 658 of this title, subject to encumbrances of record.

(3) “Grantee” means one or more grantees and the grantee’s heirs and assigns.

(4) “Grantor” means one or more grantors, each of whom shall be a

natural person, and the grantor's heirs and assigns.

(5) "Revoke" means to negate an ELE deed and is accomplished when the grantor records a deed from the grantor to himself or herself.

(6) "Revise" means to change the grantee on an ELE deed and is accomplished when the grantor records a new ELE deed to a grantee other than, or in addition to, the grantee named in the prior ELE deed. A revised deed supercedes and replaces a prior ELE deed. To add an additional grantee to an existing ELE deed, the new ELE deed must name all grantees.

§ 654. EXECUTION AND RECORDING OF AN ENHANCED LIFE

ESTATE DEED

(a) Subject to the rights expressly reserved in the deed, a validly executed and recorded ELE deed does not:

(1) affect the ownership rights of the grantor or the grantor's creditors;

(2) transfer or convey any present right, title, or interest in the property or create any present legal or equitable interest in the grantee; or

(3) subject the grantor's property to process from the grantee's creditors.

(b) The grantor may convey the property described in an ELE deed, or any portion thereof, without the need for joinder by, consent from, agreement of, or notice to the grantee.

(c) If not previously conveyed during the lifetime of the grantor, upon the death of the grantor, subject to encumbrances of record, the interest stated in an ELE deed vests in the grantee or, for a deceased grantee, the interest passes pursuant to section 658 of this title.

§ 655. ACCEPTANCE OR CONSIDERATION NOT REQUIRED;

CONVEYANCE NOT PERMITTED

(a) An enhanced life estate deed is effective without:

(1) acceptance by the designated grantee during the grantor's life; or

(2) consideration.

(b) A grantee named in an ELE deed shall not convey the grantee's contingent remainder interest during the grantor's lifetime, and any conveyance which attempts to do so is void.

§ 656. REVOCATION, REVISION, MORTGAGES

(a) A grantor may revoke or revise an ELE deed.

(b) Joinder by, consent to, agreement of, or notice to the grantee of an ELE deed shall not be required for revocation or revision.

(c) The granting of a mortgage shall not operate to revoke or revise an ELE deed, but the property interests conveyed and reserved in an ELE deed shall be encumbered by the mortgage and by any future advances made pursuant to it.

§ 657. EXECUTION BY GUARDIAN; USE OF POWER OF ATTORNEY

(a) With the approval of the Probate Division, a guardian may convey the real property of a person under guardianship by an ELE deed.

(b) An ELE deed may be executed by an agent under a power of attorney if the power of attorney complies with the requirements of 14 V.S.A. chapter 123, including any applicable gifting and self-dealing provisions.

§658. DEATH OF GRANTEE PRIOR TO DEATH OF GRANTOR

Unless the ELE deed provides otherwise:

(1) If an ELE deed conveys title to a single grantee and the grantee predeceases the grantor, upon the death of the grantor, title to the property vests in the heirs of an intestate grantee or the interest shall be distributed or conveyed to a grantee's heirs or beneficiaries, as directed by the Probate Division.

(2) If an ELE deed conveys title to multiple grantees as tenants in common and one or more grantees predecease the grantor, upon the death of the grantor, title to the property vests in the heirs of any intestate grantee or the interest shall be distributed or conveyed to a grantee's heirs or beneficiaries, as directed by the probate court.

(3) If an ELE deed conveys title to multiple grantees as joint tenants and one or more grantees predecease the grantor, upon the death of the grantor, title to the property vests in any grantee who survives the grantor.

§ 659. PREVIOUSLY EXECUTED AND RECORDED ENHANCED LIFE

ESTATE DEEDS

Nothing in this chapter shall be construed to affect the validity of an enhanced life estate deed, a "Life Estate Deed with Reserved Powers," a "Lady Bird Deed," a "Medicaid Deed," an "Italian Deed," or similar deed executed and recorded prior to the effective date of this act.

§ 660. OPTIONAL FORM FOR ENHANCED LIFE ESTATE DEED

The following form may be used to create an enhanced life estate deed:

ENHANCED LIFE ESTATE DEED

(Vermont statutory form deed)

KNOW ALL PERSONS BY THESE PRESENTS, that

I/We, _____ and _____ of _____, in the
County of _____ and State of Vermont, Grantors, without
consideration, by these presents, do freely GIVE, GRANT, SELL, CONVEY,
AND CONFIRM unto the Grantees, _____ and
_____, of _____, in the County of _____ and
State of Vermont and their heirs and assigns forever as _____ [insert
nature of tenancy] a certain piece of land in _____, in the County of
_____, and State of Vermont, described as follows:

PROPERTY DESCRIPTION:

[Insert property description or attach schedule]

GRANTORS RESERVED RIGHTS:

This is an enhanced life estate deed executed pursuant to, and with the
rights and privileges set forth in, 27 V.S.A. chapter 6, the Enhanced Life Estate
Deed Act (the "ELED Act"). The Grantors, or the survivor of them, hereby
reserve unto themselves: (a) a common law life estate, with the exclusive use,
possession, and enjoyment of the property; and (b) the right to convey the
property. Reference is hereby made to the aforementioned deeds and records
and to the deeds and records contained in those documents, in further aid of
this description.

TO HAVE AND TO HOLD said granted premises, with all the privileges
and appurtenances thereof, to the said Grantees, _____, and their
heirs and assigns, to their own use and behoof forever, as _____ [insert
nature of tenancy] . I/We, the said Grantors, for ourselves and our heirs,
executors, administrators, and assigns do covenant with the said Grantees,
_____ and _____, and their heirs and assigns,
that until the ensealing of these presents we are the sole owners of the premises
and have good right and title to convey the same in the manner aforesaid, that
they are FREE FROM EVERY ECUMBERANCE, except as aforesaid, and
the Grantors hereby engage to WARRANT AND DEFEND the same against
all lawful claims whatsoever, except as otherwise provided in this deed. I/WE
HAVE HERUNTO set our hands this _____, of _____,
20__.

[INSERT NOTARY CLAUSE]

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 10-0-0)

Rep. Conquest of Newbury, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Judiciary.

(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)

Rep. Fagan of Rutland City, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Corrections and Institutions.

(Committee Vote: 11-0-0)

Favorable

S. 326

An act relating to the State Advisory Panel on Special Education

Rep. Elder of Starksboro, for the Committee on Education, recommends that the bill ought to pass in concurrence.

(Committee Vote: 10-0-0)

(For text see Senate Journal January 31, 2020)

NOTICE CALENDAR

Favorable with Amendment

H. 99

An act relating to trade in covered animal parts or products

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

Sec. 1. 10 V.S.A. part 4, chapter 124 is added to read:

CHAPTER 124. TRADE IN COVERED ANIMAL PARTS OR PRODUCTS

§ 5501. DEFINITIONS

As used in this chapter:

(1) “Bona fide educational or scientific institution” means an institution that establishes through documentation that it is a tax-exempt institution under the Internal Revenue Service’s educational or scientific tax exemption.

(2) “Covered animal” means any species of:

- (A) Cheetah (Acinonyx jubatus);
 - (B) Elephant (family Elephantidae);
 - (C) Giraffe (Giraffa camelopardalis) ;
 - (D) Hippopotamus (family Hippopotamidae);
 - (E) Jaguar (Panthera onca);
 - (F) Leopard (Panthera pardus);
 - (G) Lion (Panthera leo);
 - (H) Mammoth (genus Mammuthus);
 - (I) Mastodon (genus Mammut),
 - (J) Pangolin (family Manidae);
 - (K) Endangered ray, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
 - (L) Rhinoceros (family Rhinocerotidae);
 - (M) Sea turtle (family Chelonioidae);
 - (N) Endangered shark, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
 - (O) Tiger (Panthera tigris);
 - (P) Whale (families Balaenidae, Balaenopteridae, Cetotheriidae, Eschrichtiidae, Monodontidae, Physeteridae, Kogiidae, and Ziphiidae); or
 - (Q) The following primates: gorillas, bonobos, orangutans, gibbons, or chimpanzees.
- (3) “Commissioner” means the Commissioner of Fish and Wildlife.
- (4) “Covered animal part or product” means any item that contains, or is wholly or partially made from, a covered animal, including the meat or flesh of a covered animal sold as food.
- (5) “Firearm” has the same meaning as in 13 V.S.A. § 4016(a)(3).
- (6) “Sale” or “sell” means any act of selling, trading, or bartering for monetary or nonmonetary consideration, and includes any transfer of ownership that occurs in the course of a commercial transaction. “Sale” or “sell” shall not include a nonmonetary transfer of ownership by way of gift, donation, or bequest.
- (7) “Secretary” means the Secretary of Natural Resources.

(8) “Total value” means either the fair market value or the actual price paid for a covered animal part or product, whichever is greater.

§ 5502. PROHIBITION

Except as provided in this chapter, notwithstanding any other provision of law to the contrary, a person shall not purchase, sell, offer for sale, or possess with intent to sell any item that the person knows or should know is a covered animal part or product.

§ 5503. EXCEPTIONS

(a) The prohibition on the purchase, sale, offer for sale, or possession with intent to sell set forth in section 5502 of this title shall not apply:

(1) to employees or agents of the federal or State government undertaking any law enforcement activities pursuant to federal or State law or any mandatory duties required by federal or State law;

(2) when the activity is expressly authorized by federal law;

(3) when the covered animal part or product is a fixed component of an antique that is not made wholly or partially from the covered animal part or product, provided that:

(A) the antique status is established by the owner or seller of the covered animal part or product with documentation providing evidence of the provenance of the covered animal part or product and showing the covered animal part or product to be not less than 100 years old; and

(B) the total weight of the covered animal part or product is less than 200 grams;

(4) when the covered animal part or product is a fixed component of a firearm; knife; or musical instrument, including string instruments and bows, wind and percussion instruments, and pianos, provided that the covered animal part or product was legally acquired and provided that the total weight of the covered animal part or product is less than 200 grams; or

(5) the activity is authorized under section 5504 of this title.

(b) Documentation evidencing reasonable provenance or the age of a covered animal part or product that may be purchased, sold, offered for sale, or possessed under subsection (a) of this section may include receipts of purchase, invoices, bills of sale, prior appraisals, auction catalogues, museum or art gallery exhibit catalogues, and the signed certification of an antique appraiser to the age of the covered animal part. The issuance of a false or fraudulent certification of the age of a covered animal part or product shall be

subject to penalty under section 5506 of this title.

§ 5504. EDUCATIONAL OR SCIENTIFIC USE

The Secretary may permit, under terms and conditions as the Secretary may require, the purchase, sale, offer for sale, or possession with intent to sell of any covered animal part or product for educational or scientific purposes by a bona fide educational or scientific institution unless the activity is prohibited by federal law, and provided that the covered animal part or product was legally acquired.

§ 5505. PRESUMPTION OF POSSESSION WITH INTENT TO SELL

There shall be a rebuttable presumption that a person possesses a covered animal part or product with intent to sell when the part or product is possessed by a retail or wholesale establishment or other forum engaged in the business of buying or selling similar items. This rebuttable presumption shall not preclude a court from finding intent to sell a covered animal part or product based on any other evidence that may serve to independently establish intent.

§ 5506. ADMINISTRATIVE PENALTIES; REFERRAL FOR CRIMINAL ENFORCEMENT

(a) The Secretary may assess the following administrative penalties for a violation of a provision of this chapter:

(1) For a first offense, a person shall be assessed an administrative penalty of not more than \$1,000.00 nor less than \$400.00.

(2) For a second offense or subsequent offense, a person shall be assessed an administrative penalty of not more than \$4,000.00 nor less than \$2,000.00.

(b) Instead of bringing an environmental enforcement action for a violation of this chapter or rules adopted under this chapter, the Secretary may refer a violation of this chapter to the Commissioner of Fish and Wildlife for criminal enforcement under section 4518 of this title.

§ 5507. SEIZURE.

A person convicted of violating a provision of this chapter shall forfeit to the Secretary the covered animal part or product that is the subject of the violation. The Secretary may:

(1) authorize that the covered animal part or product be maintained for educational or training purposes;

(2) authorize that the covered animal part or product be donated to a

bona fide educational or scientific institution; or

(3) require that the covered animal part or product be destroyed.

§ 5508. RULES

The Secretary may adopt rules necessary to implement the requirements of this chapter.

Sec. 2. 10 V.S.A. § 4518 is amended to read:

§ 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED SPECIES; SUSPENSION; VIOLATIONS

Whoever violates a provision of this part or orders or rules of the Board relating to taking, possessing, transporting, buying, or selling of big game or, relating to threatened or endangered species, or relating to the trade in covered animal parts or products shall be fined not more than \$1,000.00 nor less than \$400.00 or imprisoned for not more than 60 days, or both. Upon a second and all subsequent convictions or any conviction while under license suspension related to the requirements of part 4 of this title, the violator shall be fined not more than \$4,000.00 nor less than \$2,000.00 or imprisoned for not more than 60 days, or both.

Sec. 3. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes, and the Board may take such action with respect to subdivision (10) of this subsection:

* * *

(27) 10 V.S.A. chapter 123, relating to threatened and endangered species;

* * *

(29) 10 V.S.A. § 1420, relating to abandoned vessels; ~~and~~

(30) 3 V.S.A. § 2810, relating to interim environmental media standards; and

(31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts or products.

Sec. 4. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

* * *

(V) chapter 124 (trade in covered animal parts or products).

* * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on January 1, 2022.

(Committee Vote: 7-4-0)

H. 109

An act relating to designating October 12 as Dewey Day

Rep. Gamache of Swanton, for the Committee on General, Housing, and Military Affairs, recommends the bill be amended as follows: 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 July 1, 2020.

(Committee Vote: 9-1-1)

H. 162

An act relating to removal of buprenorphine from the misdemeanor crime of possession of a narcotic

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

Sec. 1. 18 V.S.A. § 4234 is amended to read:

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

(a) Possession.

(1) A person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned not more than one year or fined not more than \$2,000.00, or both. For purposes of this subdivision, a narcotic drug shall not include buprenorphine.

* * *

(c) Possession of buprenorphine by a person under 18 years of age.

(1) A person under 18 years of age who knowingly and unlawfully possesses buprenorphine consisting of less than 100 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

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

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

(2) A law enforcement officer shall issue a person under 18 years of age who violates this subsection with a notice of violation in a form approved by the Court Administrator. The notice of violation shall require the person to provide his or her name and address and shall explain procedures under this subsection, including that:

(A) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;

(B) failure to contact the Diversion Program within 15 days will result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty and a suspension of the person's operator's license and may face substantially increased insurance rates;

(C) no money should be submitted to pay any penalty until after adjudication; and

(D) the person shall notify the Diversion Program if the person's address changes.

(3) When a person is issued a notice of violation under this subsection, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.

(4) Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and

register for the Youth Substance Abuse Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(5) Upon receipt from a law enforcement officer of a summons and complaint completed under this subsection, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:

(A) The person is required to complete all conditions related to the offense imposed by the Diversion Program, including substance abuse screening and, if deemed appropriate following the screening, substance abuse assessment or substance abuse counseling, or both.

(B) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse assessment or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau, where the person, if found liable for the violation, shall be assessed a civil penalty, the person's operator's license will be suspended, and the person's automobile insurance rates may increase substantially.

(C) If the person satisfactorily completes the substance abuse screening, any required substance abuse assessment or substance abuse counseling, and any other condition related to the offense imposed by the Diversion Program, no penalty shall be imposed and the person's operator's license shall not be suspended.

(6)(A) Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a State-certified or State-licensed substance abuse counselor or substance abuse treatment provider to provide the services.

(B) Substance abuse screening required under this subdivision (6)

shall be completed within 60 days after the Diversion Program receives a summons and complaint. The person shall complete all conditions at his or her own expense.

(C) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense that the Diversion Program has imposed, the Diversion Program shall:

(i) Void the summons and complaint with no penalty due.

(ii) Send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information that identifies the person.

(D) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program or if the person fails to pay the Diversion Program any required Program fees, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(E) A person aggrieved by a decision of the Diversion Program or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(7) Upon adjudicating a person in violation of this subsection, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall maintain a record of all such adjudications, which shall be separate from the registry maintained by the Department for motor vehicle driving records. The identity of a person in the registry shall be revealed only to a law enforcement officer determining whether the person has previously violated this subsection.

Sec. 2. 18 V.S.A. § 4234 is amended to read:

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

(a) Possession.

(1) A person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned

not more than one year or fined not more than \$2,000.00, or both. For purposes of this subdivision, a narcotic drug shall not include buprenorphine.

* * *

~~(c) Possession of buprenorphine by a person under 18 years of age.~~

~~(1) A person under 18 years of age who knowingly and unlawfully possesses buprenorphine consisting of less than 100 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:~~

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

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

~~(2) A law enforcement officer shall issue a person under 18 years of age who violates this subsection with a notice of violation in a form approved by the Court Administrator. The notice of violation shall require the person to provide his or her name and address and shall explain procedures under this subsection, including that:~~

~~(A) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;~~

~~(B) failure to contact the Diversion Program within 15 days will result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty and a suspension of the person's operator's license and may face substantially increased insurance rates;~~

~~(C) no money should be submitted to pay any penalty until after adjudication; and~~

~~(D) the person shall notify the Diversion Program if the person's address changes.~~

~~(3) When a person is issued a notice of violation under this subsection, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.~~

~~(4) Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for the Youth Substance Abuse Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.~~

~~(5) Upon receipt from a law enforcement officer of a summons and complaint completed under this subsection, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:~~

~~(A) The person is required to complete all conditions related to the offense imposed by the Diversion Program, including substance abuse screening and, if deemed appropriate following the screening, substance abuse assessment or substance abuse counseling, or both.~~

~~(B) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse assessment or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau, where the person, if found liable for the violation, shall be assessed a civil penalty, the person's operator's license will be suspended, and the person's automobile insurance rates may increase substantially.~~

~~(C) If the person satisfactorily completes the substance abuse screening, any required substance abuse assessment or substance abuse counseling, and any other condition related to the offense imposed by the Diversion Program, no penalty shall be imposed and the person's operator's license shall not be suspended.~~

~~(6)(A) Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a State-certified or State-licensed substance abuse counselor or substance abuse~~

treatment provider to provide the services.

~~(B) Substance abuse screening required under this subdivision (6) shall be completed within 60 days after the Diversion Program receives a summons and complaint. The person shall complete all conditions at his or her own expense.~~

~~(C) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense that the Diversion Program has imposed, the Diversion Program shall:~~

~~(i) Void the summons and complaint with no penalty due.~~

~~(ii) Send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information that identifies the person.~~

~~(D) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program or if the person fails to pay the Diversion Program any required Program fees, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.~~

~~(E) A person aggrieved by a decision of the Diversion Program or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.~~

~~(7) Upon adjudicating a person in violation of this subsection, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall maintain a record of all such adjudications, which shall be separate from the registry maintained by the Department for motor vehicle driving records. The identity of a person in the registry shall be revealed only to a law enforcement officer determining whether the person has previously violated this subsection.~~

Sec. 3. EFFECTIVE DATES

(a) This section and Sec. 1 shall take effect July 1, 2019.

(b) Sec. 2 shall take effect July 1, 2021.

(Committee Vote: 7-4-0)

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

Sec. 1. INTENT

It is the intent of the General Assembly to decriminalize possession of 224 milligrams or less of buprenorphine. Persons under 21 years of age in possession of 224 milligrams or less of buprenorphine would be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. Knowing and unlawful possession of more than 224 milligrams of buprenorphine would continue to be criminal and penalized in the same manner as other narcotics pursuant to 18 V.S.A. § 4234.

Sec. 2. 18 V.S.A. § 4234 is amended to read:

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

(a) Possession.

(1)(A) A Except as provided by subdivision (B) of this subdivision (1), a person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned not more than one year or fined not more than \$2,000.00, or both.

(B) A person knowingly and unlawfully possessing more than 224 milligrams of buprenorphine shall be punished in accordance with subdivision (A) of this subdivision (1).

* * *

(c) Possession of buprenorphine by a person under 21 years of age.

(1) A person under 21 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

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

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

(2) A law enforcement officer shall issue a person under 21 years of age who violates this subsection a notice of violation in a form approved by the Court Administrator. The notice of violation shall require the person to provide his or her name and address and shall explain procedures under this subsection, including that:

(A) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;

(B) failure to contact the Diversion Program within 15 days shall result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, shall be subject to a civil penalty and a suspension of the person's operator's license and may face substantially increased insurance rates;

(C) no money shall be submitted to pay any penalty until after adjudication; and

(D) the person shall notify the Diversion Program if the person's address changes.

(3) When a person is issued a notice of violation under this subsection, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.

(4) Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for the Youth Substance Abuse Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(5) Upon receipt from a law enforcement officer of a summons and complaint completed under this subsection, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:

(A) The person is required to complete all conditions related to the offense imposed by the Diversion Program, including substance abuse screening and, if deemed appropriate following the screening, substance abuse assessment or substance abuse counseling, or both.

(B) If the person does not satisfactorily complete the substance abuse

screening, any required substance abuse assessment or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau where the person, if found liable for the violation, shall be assessed a civil penalty, the person's operator's license shall be suspended, and the person's automobile insurance rates may increase substantially.

(C) If the person satisfactorily completes the substance abuse screening, any required substance abuse assessment or substance abuse counseling, and any other condition related to the offense imposed by the Diversion Program, no penalty shall be imposed and the person's operator's license shall not be suspended.

(6)(A) Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a State-certified or State-licensed substance abuse counselor or substance abuse treatment provider to provide the services.

(B) Substance abuse screening required under this subdivision (6) shall be completed within 60 days after the Diversion Program receives a summons and complaint. The person shall complete all conditions at the person's own expense.

(C) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense that the Diversion Program has imposed, the Diversion Program shall:

(i) Void the summons and complaint with no penalty due.

(ii) Send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information that identifies the person.

(D) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program or if the person fails to pay the Diversion Program any required program fees, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(E) A person aggrieved by a decision of the Diversion Program or substance abuse counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(7) Upon adjudicating a person in violation of this subsection, the Judicial Bureau shall notify the Commissioner of Motor Vehicles who shall maintain a record of all such adjudications that shall be separate from the registry maintained by the Department for motor vehicle driving records. The identity of a person in the registry shall be revealed only to a law enforcement officer determining whether the person has previously violated this subsection.

Sec. 3. EFFECTIVE DATE

This act shall take effect July 1, 2020.

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

(Committee Vote: 11-0-0)

H. 492

An act relating to establishing a homeless bill of rights and prohibiting discrimination against people without homes

Rep. Troiano of Stannard, for the Committee on General, Housing, and Military Affairs, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The Vermont General Assembly finds that:

(1) At the present time, many persons have been rendered homeless as a result of economic hardship and a shortage of safe and affordable housing.

(2) Article 1 of Chapter I of the Vermont Constitution states that Vermonters are “equally free and independent” and Article 7 of Chapter I states that all Vermonters are entitled to the same benefits and protections. As

a result, a person should not be subject to discrimination based on his or her housing status or being homeless.

(3) It is the intent of this act to help mitigate both the discrimination people without homes or perceived to be without homes face and the adverse effects individuals and communities suffer when a person lacks a home.

Sec. 2. 1 V.S.A. § 274 is added to read:

§ 274. HOMELESS BILL OF RIGHTS

(a) A person's rights, privileges, or access to public services may not be denied or abridged solely because of his or her housing status. Such a person shall be granted the same rights and privileges as any other resident of this State.

(b) A person shall have the right:

(1) To use and move freely in public places, including public sidewalks, parks, transportation, and buildings, in the same manner as any other person and without discrimination on the basis of his or her housing status.

(2) To equal treatment by all State and municipal agencies without discrimination on the basis of his or her housing status.

(3) Not to face discrimination while seeking or maintaining employment, due to his or her housing status.

(4) To emergency medical care free from discrimination based on his or her housing status.

(5) To vote, register to vote, and receive documentation necessary to prove identity for voting, without discrimination due to his or her housing status.

(6) To confidentiality of personal records and information in accordance with all limitations on disclosure established by State and federal law, including the Federal Homeless Management Information Systems, the Federal Health Insurance Portability and Accountability Act, and the Federal Violence Against Women Act, without discrimination based on his or her housing status.

(7) To a reasonable expectation of privacy in his or her personal property without discrimination based on his or her housing status.

(8) To immediate and continued enrollment of his or her school-age children based on the best interests of the child as provided for in 16 V.S.A. § 1075(e) and the McKinney-Vento Act, 42 U.S.C. §§ 11431–11435 without discrimination based on his or her housing status.

(c) No person shall be subject to civil or criminal sanctions for soliciting, sharing, accepting, or offering food, water, money, or other donations in:

(1) a public place; or

(2) a place of public accommodation with the consent of the owner or other person representing the place of public accommodation and in a manner that does not interfere with normal business operations.

(d) No law shall target a person based on that person's housing status or the harmless activities associated with homelessness, or the provision of supports or services to a person without housing or perceived to be without housing in:

(1) a public place; or

(2) a place of public accommodation with the consent of the owner or other person representing the place of public accommodation and in a manner that does not interfere with normal business operations.

(e) A person aggrieved by a violation of this section may bring an action in Superior Court for appropriate relief, including injunctive relief and actual damages sustained as a result of the violation, costs, and reasonable attorney's fees.

(f) As used in this section:

(1) "Housing status" means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

(2) "Place of public accommodation" has the same meaning as in 9 V.S.A. § 4501(1).

Sec. 3. 9 V.S.A. § 4501 is amended to read:

§ 4501. DEFINITIONS

As used in this chapter:

* * *

(12) "Housing status" means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 4. 9 V.S.A. § 4502 is amended to read:

§ 4502. PUBLIC ACCOMMODATIONS

(a) An owner or operator of a place of public accommodation or an agent or employee of such owner or operator shall not, because of the race, creed,

color, national origin, housing status, marital status, sex, sexual orientation, or gender identity of any person, refuse, withhold from, or deny to that person any of the accommodations, advantages, facilities, and privileges of the place of public accommodation.

* * *

Sec. 5. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

(a) It shall be unlawful for any person:

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

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

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

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

* * *

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

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

* * *

(12) To discriminate in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, housing status, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, except as otherwise provided by law.

* * *

Sec. 6. 10 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

The following words and terms, unless the context clearly indicates a different meaning, shall have the following meaning:

* * *

(11) "Persons and families of low and moderate income" means persons and families irrespective of race, creed, national origin, sex, sexual orientation, housing status, or gender identity deemed by the Agency to require such assistance as is made available by this chapter on account of insufficient personal or family income, taking into consideration, without limitation, such factors as:

(A) the amount of the total income of such persons and families available for housing needs;

* * *

(20) “Housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 7. 21 V.S.A. § 495 is amended to read:

§ 495. UNLAWFUL EMPLOYMENT PRACTICE

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

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

(2) For any person seeking employees or for any employment agency or labor organization to cause to be printed, published, or circulated any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination based upon race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, housing status, crime victim status, age, or disability;

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

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

* * *

Sec. 8. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

* * *

(16) “Housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee Vote: 8-2-1)

H. 535

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

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:

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the Town of Brattleboro as set forth in this act. Voters approved proposals of amendment on March 5, 2019.

Sec. 2. 24 App. V.S.A. chapter 107 is amended to read:

CHAPTER 107. TOWN OF BRATTLEBORO

* * *

§ 2.1. DEFINITIONS

* * *

(c) “Youth voter” shall mean any person who is 16 to 18 years of age and is otherwise qualified to vote in Town elections pursuant to 17 V.S.A. chapter 43, subchapter 1.

§ 2.2. ELECTED OFFICERS

On the first Tuesday in March₂, the voters and youth voters of the Town shall elect by Australian ballot the following:

* * *

~~(3) A Board of five school directors, elected at large, of whom two shall serve for one year and three shall serve for three years. [Repealed.]~~

~~(4) Union High School directors, who shall be elected for terms and in numbers as required by State law. [Repealed.]~~

* * *

§ 2.3. MANNER OF ELECTION

(a) Representative Town Meeting members: Representative Town Meeting members shall be elected by Australian ballot on the first Tuesday in March of each year. Voters and youth voters in each district shall elect, for staggered terms, three members for every 180 voters or major fraction thereof. Members shall serve for three years, except that a member elected to fill a vacancy shall serve for the remainder of the term. The manner of elections is fully prescribed in 1959 Acts and Resolves No. 302 of the Acts of 1959.

* * *

§ 2.4. REPRESENTATIVE TOWN MEETING

(a) Description:

* * *

(2) The Representative Town Meeting consists of up to 140 elected voters and youth voters. It is a guiding body for the Town and a source of ideas, proposals, and comments, elected by district as defined by the Board of Civil Authority. It exercises exclusively all powers vested in the voters of the Town. In addition to the elected members, the following shall be members ex officio: the members of the Selectboard, the School Directors, the Treasurer, the Clerk, the Moderator, and those State Senators and State Representatives who reside in Brattleboro. Representative Town Meeting shall act upon all articles on the Town meeting warning except those ~~which~~ that relate to the election of officers, referenda, and other matters voted upon by Australian ballot.

* * *

§ 2.5. SELECTBOARD

The Selectboard is a legislative body of five persons elected at large by the voters and youth voters of the Town. The Selectboard directs the affairs of the Town within areas specified in subchapter 4 of this charter.

* * *

§ 4.1. COMPOSITION; ELIGIBILITY; ELECTIONS; TERMS

(a) The Selectboard shall be elected at large by the voters and youth voters of the Town from among their number, and newly elected Selectboard members' terms shall begin on the first Monday following the final adjournment of the annual Representative Town Meeting.

* * *

§ 10.3. ELECTION OF TOWN MEETING MEMBERS; CERTIFICATION
OF VOTERS; TOWN MEETING MEMBERSHIP; NOTICE;
QUALIFICATION; RESPONSIBILITIES

(a)(1) At the first election of Town Meeting members to be held on the first Tuesday in March after the acceptance of this subchapter, the qualified voters of each district shall elect three Town Meeting members for every 180 voters or major fraction thereof, subject to the provisions of subsection (c) of this section. The first one-third elected in each district, in order of the number of votes received, shall serve for three years; the second one-third in ~~such~~ the order of election shall serve for two years; and the remaining one-third in ~~such~~ the order of election shall be elected to serve for one year. In the event of a tie vote the term of such members shall be designated by lot, and the presiding officer of the district shall certify ~~such~~ the designation. All Town Meeting members shall serve for terms commencing on the day of their election.

(2) Annually thereafter, on the first Tuesday in March, the voters and youth voters of each district shall in like manner elect for the term of three years one Town Meeting member for every 180 voters or major fraction thereof, and shall also in like manner fill for the unexpired term or terms any vacancy or vacancies then existing in the number of Town Meeting members in such district, subject to the provisions of subsection (c) of this section.

* * *

(e) Every Town Meeting member shall be a qualified voter or youth voter in the Town and living in the district from which he or she is chosen at the time of his or her election.

* * *

§ 2.3a. EARLY VOTING

(a)(1) A voter choosing to vote early by Australian ballot in the Town Clerk's office shall vote in the same manner as those voting on election day provided that the voter completes a "Request for Early Voter Absentee Ballot and Certification" form stating the following:

* * *

(4) As authorized for certain Town elections pursuant to this charter, a youth voter choosing to vote early shall vote in the same manner as a youth voter on election day provided that the voter completes an early voting form required by the Town Clerk.

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 8-2-1)

H. 558

An act relating to exempting the Victims Compensation Board from the Open Meeting Law

Rep. LaClair of Barre Town, for the Committee on Government Operations, recommends the bill be amended as follows: In Sec. 1, 13 V.S.A. § 5358a, in subsection (d), immediately following “Victims Compensation Board” by inserting “relating to victims compensation or offender restitution”

(Committee Vote: 10-0-1)

H. 578

An act relating to operator’s license and privilege to operate suspensions and proof of financial responsibility

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

* * * Waiver of Reinstatement Fee * * *

Sec. 1. 4 V.S.A. § 1109(c)(4) is amended to read:

(4)(A) Hearing. The hearing shall be conducted in a summary manner. The hearing officer shall examine the defendant and any other witnesses and may require the defendant to produce documents relevant to the defendant’s ability to pay the amount due. The State or municipality shall not be a party except with the permission of the hearing officer. The defendant may be represented by counsel at the defendant’s own expense.

(B) Traffic violations; reduction of amount due. When the judgment is based upon a traffic violation, the hearing officer may waive the reinstatement fee required pursuant to 23 V.S.A. § 675 or reduce the amount due on the basis of the defendant’s driving history, ability to pay, or service to the community; the collateral consequences of the violation; or the interests of justice. The hearing officer’s decision ~~on a motion~~ to reduce the amount due shall not be subject to review or appeal except in the case of a violation of rights guaranteed under the Vermont or U.S. Constitution.

* * * Proof of Financial Responsibility * * *

Sec. 2. 23 V.S.A. § 801 is amended to read:

§ 801. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED

(a) The Commissioner shall require proof of financial responsibility to satisfy any claim for damages, by reason of personal injury to or the death of any person, of at least \$25,000.00 for one person and \$50,000.00 for two or more persons killed or injured and \$10,000.00 for damages to property in any one accident, as follows:

(1) From a person who is convicted of any of the following violations of this title:

(A) Death resulting from:

- (i) careless and negligent operation of a motor vehicle; or
- (ii) reckless driving of a motor vehicle.

(B) Any violation of section 1201 of this title or for any suspension pursuant to section 1205 of this title.

(C) Failing to immediately stop and render such assistance as may be reasonably necessary following an accident resulting in injury to any person or property, other than the vehicle then under his or her control.

(D) Operating, taking, using, or removing a motor vehicle without the consent of the owner in violation of section 1094 of this title.

(E) Operating a motor vehicle after suspension, revocation, or refusal of a license, in violation of section 674 of this title.

(F) ~~Operating without financial responsibility.~~ [Repealed.]

~~(G) Any moving violation as defined in section 4 of this title if the person has five points assessed against the person's license at the time the moving violation occurs. At the time a ticket or a citation for a moving violation is issued, the law enforcement officer shall give the defendant an insurance verification certificate, which shall not be an SR-22 certificate. The defendant shall complete the certificate and mail or deliver it to the Commissioner within 21 days of being issued the ticket or citation. The Commissioner shall prescribe the form of the insurance verification certificate and administer the insurance verification process by adopting rules and may, pursuant to 3 V.S.A. chapter 25, adopt rules to administer the insurance verification process.~~ [Repealed.]

(H) The provisions of subdivisions (a)(1)(A), (C), (D), and (E), ~~and~~ (G) of this section shall not apply to an operator furnishing the Commissioner with satisfactory proof that a standard provisions automobile liability insurance policy, issued by an insurance company authorized to transact

business in this State insuring the operator against public liability and property damage, in the amounts required under this section with respect to proof of financial responsibility, was in effect at the time of the violation. Nor shall these provisions apply if the operator was a nonresident, holding a valid license issued by the state of his or her residence, at the time of the violation, and satisfactory proof, in the form of a certificate issued by an insurance company authorized to transact business in the state of his or her residence, and accompanied by a power of attorney authorizing the Commissioner to accept service on its behalf, of notice or process in any action arising out of the violation, certifying that insurance covering the legal liability of the operator to satisfy any claim or claims for damage to person or property, in an amount equal to the amounts required under this section with respect to proof of financial responsibility was in effect at the time of the violation.

* * *

Sec. 3. 23 V.S.A. § 809 is amended to read:

§ 809. WAIVER OF PROOF OF FINANCIAL RESPONSIBILITY

(a) The Commissioner shall relieve an operator from the obligation to furnish proof of financial responsibility after ~~three years~~ one year from the accident, conviction, or judgment giving rise to the obligation. In the event that a suspension or revocation resulted from the conviction giving rise to the obligation, an operator shall not be relieved of the obligation to furnish proof of financial responsibility until ~~three years~~ one year after his or her reinstatement eligibility date.

(b) Notwithstanding subsection (a) of this section, the Commissioner shall not relieve an operator from the obligation to furnish proof of financial responsibility until three years after a conviction of careless and negligent operation of a motor vehicle resulting in death, conviction of reckless driving of a motor vehicle resulting in death, or second and subsequent conviction of a violation of section 1201 of this title. In the event that a suspension resulted from the conviction giving rise to the obligation, an operator shall not be relieved of the obligation to furnish proof of financial responsibility until three years after his or her reinstatement eligibility date.

(c) ~~This provision~~ section shall not be construed to relieve an operator of his or her responsibility to comply with the mandatory insurance requirement set forth in section 800 of this title.

Sec. 4. WAIVER OF PROOF OF FINANCIAL RESPONSIBILITY

(a) The Commissioner of Motor Vehicles shall, as soon as practicable but not later than January 1, 2021, relieve operators from the obligation to furnish

proof of financial responsibility required pursuant to 23 V.S.A. § 801(a)(1) as amended by this act in accordance with 23 V.S.A. § 809 as amended by this act as applicable.

(b) If an operator is not required to furnish proof of financial responsibility pursuant to 23 V.S.A. § 801(a)(1) as amended by this act, then the Commissioner shall, as soon as practicable but not later than January 1, 2021, relieve the operator from the obligation to furnish proof of financial responsibility.

(c) This section shall not be construed to relieve an operator of his or her responsibility to comply with the mandatory insurance requirement set forth in 23 V.S.A. § 800.

* * * Effective Date * * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee Vote: 8-0-2)

H. 611

An act relating to the Older Vermonters Act

Rep. Wood of Waterbury, 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:

* * * Older Vermonters Act * * *

Sec. 1. 33 V.S.A. chapter 62 is added to read:

CHAPTER 62. OLDER VERMONTERS ACT

§ 6201. SHORT TITLE

This chapter may be cited as the “Older Vermonters Act.”

§ 6202. PRINCIPLES OF SYSTEM OF SERVICES, SUPPORTS, AND PROTECTIONS FOR OLDER VERMONTERS

The State of Vermont adopts the following principles for a comprehensive and coordinated system of services and supports for older Vermonters:

(1) Self-determination. Older Vermonters should be able to direct their own lives as they age so that aging is not something that merely happens to them but a process in which they actively participate. Whatever services, supports, and protections are offered, older Vermonters deserve dignity and respect and must be at the core of all decisions affecting their lives, with the

opportunity to accept or refuse any offering.

(2) Safety and protection. Older Vermonters should be able to live in communities, whether urban or rural, that are safe and secure. Older Vermonters have the right to be free from abuse, neglect, and exploitation, including financial exploitation. As older Vermonters age, their civil and legal rights should be protected, even if their capacity is diminished. Safety and stability should be sought, balanced with their right to self-determination.

(3) Coordinated and efficient system of services. Older Vermonters should be able to benefit from a system of services, supports, and protections, including protective services, that is coordinated, equitable, and efficient; includes public and private cross-sector collaboration at the State, regional, and local levels; and avoids duplication while promoting choice, flexibility, and creativity. The system should be easy for individuals and families to access and navigate, including as it relates to major transitions in care.

(4) Financial security. Older Vermonters should be able to receive an adequate income and have the opportunity to maintain assets for a reasonable quality of life as they age. If older Vermonters want to work, they should be able to seek and maintain employment without fear of discrimination and with any needed accommodations. Older Vermonters should also be able to retire after a lifetime of work, if they so choose, without fear of poverty and isolation.

(5) Optimal health and wellness. Older Vermonters should have the opportunity to receive, without discrimination, optimal physical, dental, mental, emotional, and spiritual health through the end of their lives. Holistic options for health, exercise, counseling, and good nutrition should be both affordable and accessible. Access to coordinated, competent, and high-quality care should be provided at all levels and in all settings.

(6) Social connection and engagement. Older Vermonters should be free from isolation and loneliness, with affordable and accessible opportunities in their communities for social connectedness, including work, volunteering, lifelong learning, civic engagement, arts, culture, and broadband access and other technologies. Older Vermonters are critical to our local economies and their contributions should be valued by all.

(7) Housing, transportation, and community design. Vermont communities should be designed, zoned, and built to support the health, safety, and independence of older Vermonters, with affordable, accessible, appropriate, safe, and service-enriched housing, transportation, and community support options that allow them to age in a variety of settings along the continuum of care and that foster engagement in community life.

(8) Family caregiver support. Family caregivers are fundamental to supporting the health and well-being of older Vermonters, and their hard work and contributions should be respected, valued, and supported. Family caregivers of all ages should have affordable access to education, training, counseling, respite, and support that is both coordinated and efficient.

§ 6203. DEFINITIONS

As used in this chapter:

(1) “Area agency on aging” means an organization designated by the State to develop and implement a comprehensive and coordinated system of services, supports, and protections for older Vermonters, family caregivers, and kinship caregivers within a defined planning and service area of the State.

(2) “Choices for Care program” means the Choices for Care program contained within Vermont’s Global Commitment to Health Section 1115 demonstration or a successor program.

(3) “Department” means the Department of Disabilities, Aging, and Independent Living.

(4) “Family caregiver” means an adult family member or other individual who is an informal provider of in-home and community care to an older Vermonter or to an individual with Alzheimer’s disease or a related disorder.

(5) “Greatest economic need” means the need resulting from an income level that is too low to meet basic needs for housing, food, transportation, and health care.

(6) “Greatest social need” means the need caused by noneconomic factors, including:

(A) physical and mental disabilities;

(B) language barriers; and

(C) cultural, social, or geographic isolation, including isolation caused by racial or ethnic status, sexual orientation, gender identity, or HIV status, that:

(i) restricts an individual’s ability to perform normal daily tasks; or

(ii) threatens the capacity of the individual to live independently.

(7) “Home- and community-based services” means long-term services

and supports received in a home or community setting other than a nursing home pursuant to the Choices for Care component of Vermont's Global Commitment to Health Section 1115 Medicaid demonstration or a successor program and includes home health and hospice services, assistive community care services, and enhanced residential care services.

(8) "Kinship caregiver" means an adult individual who has significant ties to a child or family, or both, and takes permanent or temporary care of a child because the current parent is unwilling or unable to do so.

(9) "Older Americans Act" means the federal law originally enacted in 1965 to facilitate a comprehensive and coordinated system of supports and services for older Americans and their caregivers.

(10) "Older Vermonters" means all individuals residing in this State who are 60 years of age or older.

(11)(A) "Self-neglect" means an adult's inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks, including:

(i) obtaining essential food, clothing, shelter, and medical care;

(ii) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

(iii) managing one's own financial affairs.

(B) The term "self-neglect" excludes individuals who make a conscious and voluntary choice not to provide for certain basic needs as a matter of lifestyle, personal preference, or religious belief and who understand the consequences of their decision.

(12) "Senior center" means a community facility that organizes, provides, or arranges for a broad spectrum of services for older Vermonters, including physical and mental health-related, social, nutritional, and educational services, and that provides facilities for use by older Vermonters to engage in recreational activities.

(13) "State Plan on Aging" means the plan required by the Older Americans Act that outlines the roles and responsibilities of the State and the area agencies on aging in administering and carrying out the Older Americans Act.

(14) "State Unit on Aging" means an agency within a state's government that is directed to administer the Older Americans Act programs and to develop the State Plan on Aging in that state.

§ 6204. DEPARTMENT OF DISABILITIES, AGING, AND
INDEPENDENT LIVING; DUTIES

(a) The Department of Disabilities, Aging, and Independent Living is Vermont's designated State Unit on Aging.

(1) The Department shall administer all Older Americans Act programs in this State and shall develop and maintain the State Plan on Aging.

(2) The Department shall be the subject matter expert to guide decision making in State government for all programs, services, funding, initiatives, and other activities relating to or affecting older Vermonters, including:

(A) State-funded and federally funded long-term care services and supports;

(B) housing and transportation; and

(C) health care reform activities.

(3) The Department shall administer the Choices for Care program, which the Department shall do in coordination with efforts it undertakes in its role as the State Unit on Aging.

(b)(1) The Department shall coordinate strategies to incorporate the principles established in section 6202 of this chapter into all programs serving older Vermonters.

(2) The Department shall use both qualitative and quantitative data to monitor and evaluate the system's success in targeting services to individuals with the greatest economic and social need.

(c) The Department's Advisory Board established pursuant to section 505 of this title shall monitor the implementation and administration of the Older Vermonters Act established by this chapter.

§ 6205. AREA AGENCIES ON AGING; DUTIES

(a) Consistent with the Older Americans Act and in consultation with local home- and community-based service providers, each area agency on aging shall:

(1) develop and implement a comprehensive and coordinated system of services, supports, and protections for older Vermonters, family caregivers, and kinship caregivers within the agency's designated service area;

(2) target services and supports to older Vermonters with the greatest economic and social need;

(3) perform regional needs assessments to identify existing resources

and gaps;

(4) develop an area plan with goals, objectives, and performance measures, and a corresponding budget, and submit them to the State Unit on Aging for approval;

(5) concentrate resources, build community partnerships, and enter into cooperate agreements with agencies and organizations for delivery of services;

(6) designate community focal points for colocation of supports and services for older Vermonters; and

(7) conduct outreach activities to identify individuals eligible for assistance.

(b) In addition to the duties described in subsection (a) of this section, the area agencies on aging shall:

(1) promote the principles established in section 6202 of this chapter across the agencies' programs and shall collaborate with stakeholders to educate the public about the importance of each principle;

(2) promote collaboration with a network of service providers to provide a holistic approach to improving health outcomes for older Vermonters; and

(3) use their existing area plans to facilitate awareness of aging issues, needs, and services and to promote the system principles expressed in section 6202 of this chapter.

§ 6206. PLAN FOR COMPREHENSIVE AND COORDINATED SYSTEM OF SERVICES, SUPPORTS, AND PROTECTIONS

(a) At least once every four years, the Department of Disabilities, Aging, and Independent Living shall adopt a State Plan on Aging, as required by the Older Americans Act. The State Plan on Aging shall describe a comprehensive and coordinated system of services, supports, and protections for older Vermonters that is consistent with the principles set forth in section 6202 of this chapter and sets forth the nature, extent, allocation, anticipated funding, and timing of services for older Vermonters. The State Plan on Aging shall also include the following categories:

(1) priorities for continuation of existing programs and development of new programs;

(2) criteria for receiving services or funding;

(3) types of services provided; and

(4) a process for evaluating and assessing each program's success.

(b)(1) The Commissioner shall determine priorities for the State Plan on Aging based on:

(A) information obtained from older Vermonters, their families, and their guardians, if applicable, and from senior centers and service providers;

(B) a comprehensive needs assessment that includes:

(i) demographic information about Vermont residents, including older Vermonters, family caregivers, and kinship caregivers;

(ii) information about existing services used by older Vermonters, family caregivers, and kinship caregivers;

(iii) characteristics of unserved and underserved individuals and populations; and

(iv) the reasons for any gaps in service, including identifying variations in community needs and resources; and

(C) a comprehensive evaluation of the services available to older Vermonters across the State, including home- and community-based services, residential care homes, assisted living residences, nursing facilities, senior centers, and other settings in which care is or may later be provided.

(2) Following the determination of State Plan on Aging priorities, the Commissioner shall consider funds available to the Department in allocating resources.

(c) At least 60 days prior to adopting the proposed plan, the Commissioner shall submit a draft to the Department's Advisory Board established pursuant to section 505 of this title for advice and recommendations. The Advisory Board shall provide the Commissioner with written comments on the proposed plan.

(d) The Commissioner may make annual revisions to the plan as needed. The Commissioner shall submit any proposed revisions to the Department's Advisory Board for comment within the time frames established in subsection (c) of this section.

(e) On or before January 15 of each year, and notwithstanding the provisions of 2 V.S.A. § 20(d), the Department shall report to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the Governor regarding:

(1) implementation of the plan;

(2) the extent to which the system principles set forth in section 6202 of this chapter are being achieved;

(3) based on both qualitative and quantitative data, the extent to which the system has been successful in targeting services to individuals with the greatest economic and social need;

(4) the sufficiency of the provider network and any workforce challenges affecting providers of care or services for older Vermonters; and

(5) the availability of affordable and accessible opportunities for older Vermonters to engage with their communities, such as social events, educational classes, civic meetings, health and exercise programs, and volunteer opportunities.

* * * Adult Protective Services Program Reporting * * *

Sec. 2. 33 V.S.A. § 6916 is added to read:

§ 6916. ANNUAL REPORT

On or before January 15 of each year, and notwithstanding the provisions of 2 V.S.A. § 20(d), the Department shall report to the House Committee on Human Services and the Senate Committee on Health and Welfare regarding the Department's adult protective services activities during the previous fiscal year, including:

(1) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that the Department's Adult Protective Services program received during the previous fiscal year and comparisons with the two prior fiscal years;

(2) the Adult Protective Services program's timeliness in responding to reports of abuse, neglect, or exploitation of a vulnerable adult during the previous fiscal year, including the median number of days it took the program to make a screening decision:

(3) the number of reports received during the previous fiscal year that required a field screen to determine vulnerability and the percentage of field screens that were completed within 10 calendar days;

(4) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that were received from a facility licensed by the Department's Division of Licensing and Protection during the previous fiscal year;

(5) the numbers and percentages of reports received during the previous fiscal year by each reporting method, including by telephone, e-mail, Internet, facsimile, and other means;

(6) the number of investigations opened during the previous fiscal year

and comparisons with the two prior fiscal years;

(7) the number and percentage of investigations during the previous fiscal year in which the alleged victim was a resident of a facility licensed by the Department's Division of Licensing and Protection;

(8) data regarding the types of maltreatment experienced by alleged victims during the previous fiscal year, including:

(A) the percentage of investigations that involved multiple types of allegations of abuse, neglect, or exploitation, or a combination;

(B) the numbers and percentages of unsubstantiated investigations by type of maltreatment; and

(C) the numbers and percentages of recommended substantiations by type of maltreatment;

(9) the Department's timeliness in completing investigations during the previous fiscal year, including both unsubstantiated and recommended substantiated investigations;

(10) data on Adult Protective Services program investigator caseloads, including:

(A) average daily caseloads during the previous fiscal year and comparisons with the two prior fiscal years;

(B) average daily open investigations statewide during the previous fiscal year and comparisons with the two prior fiscal years;

(C) average numbers of completed investigations per investigator during the previous fiscal year; and

(D) average numbers of completed investigations per week during the previous fiscal year;

(11) the number of reviews of screening decisions not to investigate, including the number and percentage of these decisions that were upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(12) the number of reviews of investigations that resulted in an unsubstantiation, including the number and percentage of these unsubstantiations that were upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(13) the number of appeals of recommendations of substantiation that concluded with the Commissioner, including the number and percentage of these recommendations that the Commissioner upheld during the previous

fiscal year and comparisons with the two prior fiscal years;

(14) the number of appeals of recommendations of substantiation that concluded with the Human Services Board, including the numbers and percentages of these recommendations that the Board upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(15) the number of appeals of recommendations of substantiation that concluded with the Vermont Supreme Court, including the numbers and percentages of these recommendations that the Court upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(16) the number of expungement requests received during the previous fiscal year, including the number of requests that resulted in removal of an individual from the Adult Abuse Registry;

(17) the number of individuals placed on the Adult Abuse Registry during the previous fiscal year and comparisons with the two prior fiscal years; and

(18) the number of individuals removed from the Adult Abuse Registry during the previous fiscal year.

* * * Vermont Action Plan for Aging Well; Development Process * * *

Sec. 3. VERMONT ACTION PLAN FOR AGING WELL; DEVELOPMENT PROCESS; REPORT

The Secretary of Administration, in collaboration with the Commissioners of Disabilities, Aging, and Independent Living and of Health, shall propose a process for developing the Vermont Action Plan for Aging Well to be implemented across State government, local government, the private sector, and philanthropies. The Vermont Action Plan for Aging Well shall provide strategies and cultivate partnerships for implementation across sectors to promote aging with health, choice, and dignity in order to establish and maintain an age-friendly State for all Vermonters. In crafting the proposed process, the Secretary shall engage a broad array of Vermonters with an interest in creating an age-friendly Vermont, including older Vermonters and their families, adults with disabilities and their families, local government officials, health care and other service providers, employers, community-based organizations, foundations, academic researchers, and other interested stakeholders. On or before January 15, 2021, the Secretary shall submit to the House Committee on Human Services and the Senate Committee on Health and Welfare the proposed process for developing the Vermont Action Plan for Aging Well, including action steps and an achievable timeline, as well as potential performance measures for use in evaluating the results of

implementing the Action Plan and the relevant outcomes set forth in 3 V.S.A. § 2311 and related indicators, to which the Action Plan should relate.

* * * Increasing Medicaid Rates for Home- and Community-Based
Service Providers * * *

Sec. 4. 33 V.S.A. § 900 is amended to read:

§ 900. DEFINITIONS

~~Unless otherwise required by the context, the words and phrases in this chapter shall be defined as follows~~ As used in this chapter:

* * *

(7) “Home- and community-based services” means long-term services and supports received in a home or community setting other than a nursing home pursuant to the Choices for Care component of Vermont’s Global Commitment to Health Section 1115 Medicaid demonstration or a successor program and includes home health and hospice services, assistive community care services, and enhanced residential care services.

Sec. 5. 33 V.S.A. § 911 is added to read:

§ 911. INFLATION FACTOR FOR HOME- AND COMMUNITY-BASED SERVICES; PAYMENT RATES

(a) The Director shall establish by rule procedures for determining an annual inflation factor to be applied to the Medicaid rates for providers of home- and community-based services authorized by the Department of Vermont Health Access or the Department of Disabilities, Aging, and Independent Living, or both.

(b) The Division, in collaboration with the Department of Disabilities, Aging, and Independent Living, shall calculate the inflation factor for home- and community-based services annually according to the procedure adopted by rule and shall report it to the Departments of Disabilities, Aging, and Independent Living and of Vermont Health Access for application to home- and community-based provider Medicaid reimbursement rates beginning on July 1.

(c) Determination of Medicaid reimbursement rates for each fiscal year shall be based on application of the inflation factor to the sum of:

(1) the prior fiscal year’s payment rates; plus

(2) any additional payment amounts available to providers of home- and community-based services as a result of policies enacted by the General

Assembly that apply to the fiscal year for which the rates are being calculated.

Sec. 6. HOME- AND COMMUNITY-BASED SERVICE PROVIDER
RATE STUDY; REPORT

(a) The Departments of Vermont Health Access and of Disabilities, Aging, and Independent Living shall conduct a rate study of the Medicaid reimbursement rates paid to providers of home- and community-based services, their adequacy, and the methodologies underlying those rates. The Departments shall:

(1) establish a predictable schedule for Medicaid rates and rate updates;

(2) identify ways to align the Medicaid reimbursement methodologies and rates for providers of home- and community-based services with those of other payers, to the extent such other methodologies and rates exist;

(3) limit the number of methodological exceptions; and

(4) communicate the proposed changes to providers of home- and community-based services prior to implementing any proposed changes.

(b) On or before January 15, 2021, the Departments of Vermont Health Access and of Disabilities, Aging, and Independent Living shall report to the House Committees on Human Services and on Appropriations and the Senate Committees on Health and Welfare and on Appropriations with the results of the rate study conducted pursuant to this section.

* * * Self-Neglect Working Group * * *

Sec. 7. SELF-NEGLECT WORKING GROUP; REPORT

(a) Creation. There is created the Self-Neglect Working Group to provide recommendations regarding adults who, due to physical or mental impairment or diminished capacity, are unable to perform essential self-care tasks. For the purposes of the Working Group, “self-neglect” has the same meaning as in 33 V.S.A. § 6203.

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

(1) the Commissioner of Disabilities, Aging, and Independent Living or designee;

(2) the Director of the Adult Services Division in the Department of Disabilities, Aging, and Independent Living or designee;

(3) the Vermont Attorney General or designee;

(4) the State Long-Term Care Ombudsman or designee;

(5) the Executive Director of the Vermont Association of Area Agencies on Aging or designee;

(6) the Executive Director of the Community of Vermont Elders or designee;

(7) the Executive Director of the VNAs of Vermont or designee;

(8) the Executive Director of Disability Rights Vermont or designee;

(9) an elder care clinician selected by Vermont Care Partners; and

(10) the Director of the Center on Aging at the University of Vermont College of Medicine or designee.

(c) Powers and duties. The Working Group shall consider issues and develop recommendations relating to self-neglect, including determining the following:

(1) how to identify adults residing in Vermont who, because of physical or mental impairment or diminished capacity, are unable to perform essential self-care tasks and are self-neglecting;

(2) how prevalent self-neglect is among adults in Vermont, and any common characteristics that can be identified about the demographics of self-neglecting Vermonters;

(3) what resources and services currently exist to assist Vermonters who are self-neglecting, and where there are opportunities to improve delivery of these services and increase coordination among existing service providers;

(4) what additional resources and services are needed to better assist Vermonters who are self-neglecting; and

(5) how to prevent self-neglect and identify adults at risk for self-neglect.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Department of Disabilities, Aging, and Independent Living.

(e) Report. On or before December 15, 2020, the Working Group shall report its findings and its recommendations for legislative and nonlegislative action to the House Committee on Human Services and the Senate Committee on Health and Welfare.

(f) Meetings.

(1) The Commissioner of Disabilities, Aging, and Independent Living or designee shall call the first meeting of the Working Group to occur on or

before July 1, 2020.

(2) The Working Group shall select a chair from among its members at the first meeting.

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

(4) The Working Group shall cease to exist following submission of its report pursuant to subsection (e) of this section.

* * * Effective Dates * * *

Sec. 8. EFFECTIVE DATES

(a) Secs. 1 (Older Vermonters Act), 2 (Adult Protective Services reporting), 3 (Strategic Action Plan on Aging; development process; report), 6 (home- and community-based service provider rate study; report), and 7 (Self-Neglect Working Group; report) and this section shall take effect on passage, except that in Sec. 1, 33 V.S.A. § 6206 (plan for comprehensive and coordinated system of services, supports, and protections) shall apply to the State Plan on Aging taking effect on October 1, 2022.

(b) Secs. 4 and 5 (Medicaid rates for home- and community-based service providers) shall take effect on passage and shall apply to home- and community-based service provider rates beginning on July 1, 2021.

(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)

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

First: In Sec. 3, Literacy Grant Program, by striking out subdivision (a)(1) in its entirety and inserting in lieu thereof the following:

(1) “Eligible applicant” means a supervisory union, or, if multiple supervisory unions choose to collaborate in applying together for the grant funding, those supervisory unions.

Second: In Sec. 3, Literacy Grant Program, by striking out subdivision (a)(3) in its entirety and inserting in lieu thereof the following:

(3) “Participating supervisory union” means each supervisory union that applies for the grant funding under the same application.

Third: In Sec. 3, Literacy Grant Program, by striking out subdivision (a)(5) in its entirety and inserting a new subdivision (a)(3) to read as follows:

(3) “Participating supervisory union leadership team” means the superintendent or designee of each participating supervisory union and two representatives of schools within each participating supervisory union appointed by its superintendent.

and by renumbering the remaining two subdivisions to be numerically correct.

Fourth: In Sec. 3, Literacy Grant Program, by striking out subdivision (b)(1) in its entirety and inserting in lieu thereof the following:

(1) The Literacy Grant Program is created to enable supervisory unions to adopt best practices in teaching literacy instruction to students in prekindergarten through grade 3.

(A) 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.

(B) Supervisory unions are encouraged to work together in a sustained and targeted manner to improve literacy outcomes by applying together for the grant funding or otherwise working collaboratively in a manner that uses resources in an effective and efficient manner.

(C) Subject to the terms of the Program, grants shall be awarded to eligible applicants for two consecutive years.

Fifth: In Sec. 3, Literacy Grant Program, by striking out subdivision (c)(2)(A) in its entirety and inserting in lieu thereof the following:

(A) the members of the participating supervisory union leadership team and a description of its governance structure;

Sixth: In Sec. 3, Literacy Grant Program, by striking out subdivision (d)(1)(A) in its entirety and inserting in lieu thereof the following:

(A) establish the participating supervisory union leadership team and its governance structure;

(Committee Vote: 8-2-1)

H. 673

An act relating to tree wardens

Rep. O'Brien of Tunbridge, 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. 24 V.S.A. § 871 is amended to read:

§ 871. ORGANIZATION OF SELECTBOARD; APPOINTMENTS

(a) Forthwith after its election and qualification, the selectboard shall organize and elect a chair and, if so voted, a clerk from among its number, and file a certificate of such election for record in the office of the town clerk.

(b) The selectboard shall ~~thereupon~~ appoint ~~from among the registered voters~~ a tree warden, who need not be a resident of the municipality, and may ~~thereupon~~ appoint from among the registered voters the following officers who shall serve until their successors are appointed and qualified, and shall certify ~~such~~ the appointments to the town clerk who shall record the same:

* * *

(c) After the selectboard appoints a tree warden, the selectboard shall certify the appointment to the Commissioner of Forests, Parks and Recreation. The certification shall include contact information for the appointed tree warden.

Sec. 2. 24 V.S.A. chapter 67 is amended to read:

CHAPTER 67. PARKS AND SHADE TREES

* * *

§ 2501a. DEFINITIONS

As used in this chapter:

(1) “Public place” means municipal property, including a municipal park, a recreation area, or a municipal building. “Public place” shall not include any municipal forestland or property that is subject to any ownership interest held by the Agency of Transportation.

(2) “Shade tree” means a shade or ornamental tree located in whole or in part within the limits of a public way or public place, provided that the tree:

(A) was planted by the municipality; or

(B) is designated as a shade tree pursuant to a municipal shade tree preservation plan pursuant to section 2502 of this title.

(3) “Public way” means a right-of-way held by a municipality, including a town highway.

§ 2502. TREE WARDENS AND PRESERVATION OF SHADE TREES

~~Shade and ornamental trees within the limits of public ways and places shall be under the control of the tree warden. The tree warden may plan and implement a town or community shade tree preservation program for the purpose of shading and beautifying public ways and places by planting new trees and shrubs; by maintaining the health, appearance, and safety of existing trees through feeding, pruning, and protecting them from noxious insect and disease pests and by removing diseased, dying, or dead trees which create a hazard to public safety or threaten the effectiveness of disease or insect control programs.~~

(a) The tree warden shall control all shade trees within the municipality.

(b) The tree warden and the legislative body of the municipality may adopt a shade tree preservation plan. The plan shall:

(1) describe any program for the planting of new trees and shrubs;

(2) provide for the maintenance of shade trees through feeding, pruning, and protection from noxious insect and disease pests;

(3) determine the apportionment of costs for tree warden services provided to other municipal corporations;

(4) determine whether tree maintenance or removal on specific municipal property shall require the approval of another municipal officer or legislative body; and

(5) determine the process, not inconsistent with this chapter, for the removal of:

(A) diseased, dying, or dead shade trees; and

(B) any shade trees that create a hazard to public safety, impact a disease or insect control program, or must be removed to comply with State or federal law or permitting requirements.

(c) The shade tree preservation plan may:

(1) map locations or zones within the municipality where all trees in whole or in part within a public way or place shall be designated as shade trees; and

(2) designate as a shade tree any tree in whole or in part within a public way, provided that the tree warden and legislative body of the municipality find that the tree is critical to the cultural, historical, or aesthetic character of the municipality.

(d) The tree warden and legislative body of the municipality shall hold a minimum of one public hearing concerning the shade tree preservation plan for the purpose of soliciting public input. The legislative body shall publish the proposed plan 10 days prior to the public hearing.

(e) For the purpose of promoting the public health, safety, welfare, and convenience, a municipality shall have authority to adopt an ordinance that is not inconsistent with this chapter for the administration of the shade tree preservation plan and the regulation of shade trees. The tree ordinance shall be adopted pursuant to chapter 59 of this title.

§ 2503. APPROPRIATIONS

A municipality may appropriate a sum of money to be expended by the tree warden, or if one is not appointed, by the mayor, aldermen, selectboard, or trustees for the purpose of carrying out this chapter.

§ 2504. REMOVAL OF SHADE TREES; EXCEPTION

(a) The tree warden may remove or cause to be removed from the public ways or places all any trees and other plants upon which noxious insects or tree diseases naturally breed that are infested with or infected by a tree pest or that constitute a public hazard. The notice and hearing requirements of section 2509 of this chapter shall not apply to the removal of infested or infected trees.

(b) However, where The tree warden may determine that an owner or lessee of abutting real estate shall annually, to the satisfaction of such warden, control property has sufficiently controlled all insect pests or tree diseases upon the trees and other plants within the limits of a highway public way or place abutting such real estate the property, such trees and plants shall not be removed and may determine that it is not necessary to remove the trees.

§ 2505. DEPUTY TREE WARDENS

A tree warden The legislative body of the municipality may appoint deputy tree wardens and dismiss them at pleasure who shall serve under the direction of the tree warden and shall have the same duties and authority as the tree warden. The legislative body of the municipality may dismiss a deputy tree warden at its pleasure.

§ 2506. REGULATIONS FOR PROTECTION OF SHADE TREES

A tree warden shall enforce all laws relating to public shade trees and may prescribe such propose to the legislative body of the municipality the rules and, ordinances, or regulations for the planting, protection, care, or removal of public shade trees as he or she deems expedient. Such The legislative body of the municipality may adopt the rules, ordinances, or regulations shall become

effective pursuant to the provisions of chapter 59 of this title.

§ 2507. COOPERATION

(a) ~~The~~ With consent of the legislative body of the municipality, the tree warden may:

(1) enter into financial or other agreements with the owners of land adjoining or facing public ways and places for the purpose of encouraging and effecting a community-wide shade tree planting and preservation program plan; and

(2) enter into agreements with other municipal corporations to provide tree warden services or training.

(b) ~~He or she~~ The tree warden may cooperate with federal, State, county, or other municipal governments, agencies, or other public or private organizations or individuals and may accept such on behalf of the municipality any funds, equipment, supplies, or services from organizations and individuals, or others, as deemed appropriate for use in carrying out the purposes of this chapter.

§ 2508. CUTTING SHADE TREES; ~~REGULATIONS~~ PROHIBITED

~~Unless otherwise provided, a public~~ Except as otherwise provided in 19 V.S.A. chapter 9, a shade tree shall not be cut or removed, in whole or in part, except by a tree warden or his or her deputy or by a person having the written permission of a tree warden.

§ 2509. CUTTING SHADE TREES; NOTICE AND HEARING

(a) ~~A public shade tree within the residential part of a municipality shall not be felled without a public hearing by the tree warden, except that when it is infested with or infected by a recognized tree pest, or when it constitutes a hazard to public safety, no hearing shall be required. The tree warden shall post public notice of the intent to cut or remove a shade tree. The notice shall be posted a minimum of 15 days prior to cutting or removing the tree. If the cutting or removal is appealed pursuant to subsection (c) of this section, the legislative body of the municipality shall hold a public hearing. This subsection shall not apply to the cutting or removal of a shade tree or trees that:~~

(1) are infested with or infected by, or at risk to become infested with or infected by, a tree pest and are located in an infestation area designated by the Agency of Agriculture, Food and Markets and Department of Forests, Parks and Recreation;

(2) are a hazard to public safety; or

(3) must be removed for the municipality to comply with State or federal law or permitting requirements.

(b)(1) In all cases the decision of the tree warden shall be final, except that when the tree warden is an interested party or when a party in interest so requests in writing, such final decision shall be made by the legislative body of the municipality. The tree warden shall post public notice of the intent to cut or remove a shade tree or group of shade trees pursuant to subsection (a) of this section in at least two conspicuous locations within the municipality. The tree warden shall post the public notice in or near the office of the clerk of the municipality.

(2) When the shade tree or group of shade trees are located on property held in fee by another, the municipality shall notify each abutting landowner at the landowner's address of record.

(c)(1) Within 15 days after the posting of public notice, a resident or landowner may appeal in writing to the legislative body of the municipality to object to the cutting or removal of a shade tree. The legislative body of the municipality shall give notice of the appeal to the tree warden.

(2) Within 10 business days after receipt of an appeal, the legislative body of the municipality shall hold a public hearing with the tree warden to receive public comment on the proposed cutting or removal of the shade tree. The tree warden shall stay action on the proposed removal until the legislative body of the municipality renders a final decision on the appeal.

(d) In all cases, the decision of the legislative body of the municipality shall be final.

§ 2510. PENALTY

(a) Whoever shall, willfully, mar or deface a public shade tree without the written permission of a tree warden or legislative body of the municipality shall be fined not more than \$50.00 for the use of the municipality.

(b) Any person who, willfully, and critically injures or cuts down a public shade tree without written permission of the tree warden or the legislative body of the municipality shall be fined ~~not more than \$500.00~~ pursuant to 13 V.S.A. § 3602 for each tree so injured or cut, for the use of the municipality.

§ 2511. CONTROL OF INFESTATIONS

When an insect or disease pest infestation upon or in ~~public or private~~ shade or private trees threatens other public or private trees, is considered detrimental to a ~~community~~ municipal shade tree preservation program, or threatens the public safety, the tree warden may request surveys and

~~recommendations for control action from the Secretary of Agriculture, Food and Markets or Commissioner of Forests, Parks and Recreation in accordance with 6 V.S.A. chapter 84. On recommendation of the Secretary of Agriculture, Food and Markets, the tree warden may designate areas threatened or affected in which control measures are to be applied and shall publish notice of the proposal in one or more newspapers having a general circulation in the area in which control measures are to be undertaken. On recommendation of the Secretary, the tree warden may apply measures of infestation control on public and private land to any trees, shrubs, or plants thereon harboring or which may harbor the threatening insect or disease pest. He or she may enter into agreements with owners of such lands covering the control work on their lands, but the failure of the tree warden to negotiate with any owner shall not impair his or her right to enter on the lands of said owner to conduct recommended control measures, the cost of which shall be paid by the municipality.~~

* * *

Sec. 3. 19 V.S.A. chapter 9, subchapter 1 is amended to read:

Subchapter 1. General Duties of Towns

§ 901. REMOVAL OF ROADSIDE GROWTH

Except for work that is part of the Transportation Program under section 10g of this title:

(1) A person shall not remove shade trees, as defined in 24 V.S.A. § 2501a, without prior approval of the tree warden pursuant to 24 V.S.A. chapter 67.

(2) A person, other than the abutting landowner or municipality, shall not cut, trim, remove, or otherwise damage any grasses, shrubs, vines, or trees growing within the limits of a state or town highway, without first having obtained the consent of the agency for state highways or the board of selectmen for town highways legislative body.

(3) A person, other than the Agency or the abutting landowner, shall not cut, trim, remove, or otherwise damage any grasses, shrubs, vines, or trees growing within the limits of lands subject to any ownership interest held by the Agency without first obtaining the Agency's written consent.

§ 902. PENALTY FOR REMOVAL

(a) A person, other than the Agency, the abutting landowner, the municipality, or the tree warden, who wilfully willfully or maliciously cuts, trims, removes, or otherwise damages trees within the limits of a State

highway or municipal right-of-way shall be fined pursuant to 13 V.S.A. § 3602, unless the person has obtained prior written consent from the Agency, municipality, or tree warden.

(b) A person, other than the Agency, the abutting landowner, the municipality, or the tree warden, who willfully or maliciously cuts, trims, removes, or otherwise damages grasses, shrubs, or vines, or trees within highway limits in violation of section 901 of this title shall be fined not more than \$100.00 nor less than \$10.00, for each offense, unless the person has obtained prior written consent from the Agency or municipality.

* * *

§ 904. TREE AND BRUSH REMOVAL

The ~~selectmen~~ legislative body of a ~~town~~ municipality, ~~if necessary,~~ shall cause to be cut and burned, or removed from within the limits of the highways under their care, trees and bushes ~~which~~ that obstruct the view of the highway ahead or that cause damage to the highway or that are objectionable from a material or scenic standpoint. ~~Shade and fruit trees~~ Trees that have been set out or marked by the abutting landowners and shade trees that have been designated pursuant to 24 V.S.A. chapter 67 shall be preserved if the usefulness or safety of the highway is not impaired. Young trees standing at a proper distance from the roadbed and from each other, and banks and hedges of bushes that serve as a protection to the highway or add beauty to the roadside, shall be preserved. On ~~state~~ State highways, the ~~secretary~~ Secretary shall have the same authority as the ~~selectmen~~ legislative body.

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee Vote: 8-0-0)

H. 681

An act relating to employer registration for unemployment insurance

Rep. Jerome of Brandon, for the Committee on Commerce and Economic Development, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 1314a is amended to read:

§ 1314a. QUARTERLY WAGE REPORTING; MISCLASSIFICATION;
PENALTIES

~~(a)(1) Effective with the calendar quarter ending September 30, 1986 and all subsequent calendar quarters, each~~ Each ~~employing unit which that is an employer as defined in subdivision 1301(5) of this chapter, having that has individuals in employment as defined in subdivision 1301(6) of this chapter, shall file with the Commissioner on forms to be supplied by the Commissioner to each such employer a detailed wage report containing~~ for each calendar quarter that contains each individual worker's name, Social Security number, gross wages paid during each ~~such~~ calendar quarter, and any other information the Commissioner deems ~~reasonably~~ necessary in the administration of this chapter.

~~(2) Effective with the calendar quarter ending March 31, 2001, and all subsequent calendar quarters, in~~ In addition to other information required by this section, the wage reports required by this subsection shall include for each worker paid by the hour, the worker's gender, and the worker's hourly wage. ~~The wage reports may be filed electronically.~~

* * *

~~(c) An employing unit, as defined in subdivision 1301(4) of this chapter which that is not an employer, as defined in subdivision 1301(5), shall, upon request of the Commissioner, file~~ submit reports ~~on forms furnished by the Commissioner reports respecting~~ regarding employment, wages, hours of employment, and unemployment, and related matters as ~~that~~ the Commissioner deems ~~reasonably~~ necessary in the administration of this chapter.

~~(d) Reports required by subsection (c) of this section shall be returned so as to be received by~~ submitted to the Commissioner not later than 10 calendar days after the date ~~of the mailing of the Commissioner's request was mailed to~~ the employing unit.

~~(e) On the request of the Commissioner, any employing unit or employer shall report, within 10 days of the mailing or personal delivery of the request, separation information with respect to~~ for a claimant, any disqualifying income the claimant may have received, and any other information that the Commissioner may ~~reasonably~~ require to determine a the claimant's eligibility for unemployment compensation. The Commissioner shall make ~~such~~ a request ~~whenever~~ when:

(1) the claimant's eligibility is dependent either upon:

(A) wages paid during an incomplete calendar quarter in which the claimant was separated; or

(B) upon the last completed quarter; and

(2) when to do so would obtaining the information will result in more

timely benefit payments.

(f)(1) Any employing unit or employer that fails to:

(A) File ~~any~~ a report required by this section shall be subject to a an administrative penalty of \$100.00 for each report not received by the prescribed due dates.

(B) Properly classify an individual regarding the status of employment is ~~shall be~~ subject to a an administrative penalty of not more than \$5,000.00 for each improperly classified employee. In addition, an employer found to have violated this section is prohibited from contracting, directly or indirectly, with the State or any of its subdivisions for up to three years following the date the employer was found to have failed to properly classify, as determined by the Commissioner in consultation with the Commissioner of Buildings and General Services or the Secretary of Transportation, as appropriate. Either the Secretary or the Commissioner, as appropriate, shall be consulted in any appeal relating to prohibiting the employer from contracting with the State or its subdivisions.

(2)(A) Penalties under this subsection shall be collected in the same manner ~~provided for the collection of~~ as contributions in under section 1329 of this title and shall be paid into the Contingent Fund ~~provided~~ established in section 1365 of this title.

(B) If the employing unit demonstrates that its failure was due to a reasonable cause, the Commissioner may waive or reduce the penalty.

(g)(1) Notwithstanding any other provisions of this section, the Commissioner may where practicable require ~~of~~ any employing unit ~~that to file~~ the reports required ~~to be filed~~ pursuant to subsections (a) through (d) of this section ~~be filed~~, or any departmental registration required prior to submitting the reports required by this section, in an electronic media form.

(2) The Commissioner may waive the requirement that an employing unit submit a report in an electronic media form if the employing unit attests that it is unable to file the required report in that form.

(Committee Vote: 10-0-1)

H. 750

An act relating to creating a National Guard provost marshal

Rep. Walz of Barre City, for the Committee on General, Housing, and Military Affairs, recommends the bill be amended in Sec. 1, 20 V.S.A. § 428, in subdivision (b)(3)(C), after the words "critical infrastructure protection" by inserting the words "in relation to domestic emergencies"

(Committee Vote: 10-0-1)

H. 769

An act relating to veteran status inquiries on program and service intake forms

Rep. Birong of Vergennes, for the Committee on General, Housing, and Military Affairs, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REPORT; VETERAN STATUS INQUIRIES ON PROGRAM AND

SERVICE INTAKE FORMS

On or before January 15, 2021, the Agency of Human Services shall submit a report to the House Committees on General, Housing, and Military Affairs, on Human Services, and on Health Care and to the Senate Committees on Government Operations and on Health and Welfare regarding the status of the Agency's efforts to include on its program and service intake forms an inquiry as to applicants' veteran status on or before July 1, 2021, including specifically intake forms used by the Departments for Children and Families, of Disabilities, Aging, and Independent Living, and of Vermont Health Access. The report shall include cost estimates related to including an inquiry as to applicants' veteran status on relevant intake forms and indicate whether any legislation is necessary to implement the inclusion of an inquiry as to applicants' veteran status on relevant intake forms.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee Vote: 10-0-1)

H. 880

An act relating to Abenaki place names on State park signs

Rep. Howard of Rutland City, for the Committee on General, Housing, and Military Affairs, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 2613 is added to read:

§ 2613. ABENAKI PLACE NAMES IN STATE PARKS

(a) The Commissioner, before installing new signs or replacing existing signs in a State park, shall consult with the Vermont Commission on Native American Affairs to determine if there is an Abenaki name for any site within

the park. If the Commission on Native American Affairs advises the Commissioner of an Abenaki name, the Abenaki name shall be displayed with the English name.

(b) On or before July 1, 2025, all existing signs in State parks with Abenaki names shall be replaced to include the Abenaki name.

(c) The Commissioner shall adopt rules establishing a procedure for selecting spelling of the place name if there are multiple spellings provided by the Commission on Native American Affairs.

Sec. 2. LIST OF PLACES WITH ABENAKI NAMES

On or before January 15, 2021, the Vermont Commission on Native American Affairs shall prepare a list of places and landmarks with Abenaki names. The list shall state if there are multiple names or spelling variations for a place. The Commission shall present the list to the Commissioner of Forests, Parks and Recreation in order to facilitate the construction of signs as required under 10 V.S.A. § 2613. The Commission shall also determine if there are sites outside of State parks with Abenaki names that require new signs.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee Vote: 10-0-1)

H. 923

An act relating to entering a vehicle without legal authority or consent

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

Sec. 1. 13 V.S.A. § 3705 is added to read:

§ 3705. UNLAWFUL TRESPASS

* * *

(c) A person who knowingly enters the vehicle of another person without legal authority or the consent of the person in lawful possession of the vehicle shall be fined not more than \$250.00.

(d) A person who enters a building other than a residence, whose access is normally locked, whether or not the access is actually locked, or a residence in violation of an order of any court of competent jurisdiction in this State shall be imprisoned for not more than one year or fined not more than \$500.00, or both.

~~(d)~~(e) A person who enters a dwelling house, whether or not a person is actually present, knowing that he or she is not licensed or privileged to do so shall be imprisoned for not more than three years or fined not more than \$2,000.00, or both.

~~(e)~~(f) A law enforcement officer shall not be prosecuted under subsection (a) of this section if he or she is authorized to serve civil or criminal process, including citations, summons, subpoenas, warrants, and other court orders, and the scope of his or her entrance onto the land or place of another is no more than necessary to effectuate the service of process.

Sec. 2. EFFECTIVE DATE

This act shall take effect July 1, 2020.

(Committee Vote: 8-0-2)

Consent Calendar

Concurrent Resolutions for Adoption Under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of March 12, 2020.

H.C.R. 287

House concurrent resolution designating Thursday, March 19, 2020 as Social Work Advocacy Day at the State House

H.C.R. 288

House concurrent resolution congratulating the Central Vermont Council on Aging on its 40th anniversary

H.C.R. 289

House concurrent resolution in memory of Anthony Ernest Morgan of West Rutland

H.C.R. 290

House concurrent resolution recognizing April as the Month of the Military Child in Vermont

H.C.R. 291

House concurrent resolution in memory of former Representative and Royalton Town Moderator David M. Ainsworth

H.C.R. 292

House concurrent resolution congratulating the University of Vermont Extension and WCAX-TV on the 65th anniversary of the Across the Fence television program

H.C.R. 293

House concurrent resolution honoring the U.S. Navy submarine Vermont (SSN 792), its Pre-Commissioning Unit, and its Commissioning Committee

H.C.R. 294

House concurrent resolution honoring Don Myers on his half-century membership in the Bennington Fire Department

H.C.R. 295

House concurrent resolution designating Wednesday, March 18, 2020 as Alzheimer's Awareness Day at the State House

H.C.R. 296

House concurrent resolution honoring former Representative Alice Miller of Shaftsbury on her receipt of the 2020 Vermont Higher Education Excellence Award

S.C.R. 19

Senate concurrent resolution honoring Susan Andrews for her leadership of Greater Bennington Interfaith Community Services.

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.