

Senate Calendar

THURSDAY, MAY 02, 2019

SENATE CONVENES AT: 1:00 P.M.

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ACTION CALENDAR

UNFINISHED BUSINESS OF WEDNESDAY, MAY 1, 2019

House Proposal of Amendment

S. 95

An act relating to municipal utility capital investment.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. § 1822 is amended to read:

§ 1822. POWERS; APPROVAL OF VOTERS

(a) In addition to the powers it may now or hereafter have, a municipal corporation otherwise authorized to own, acquire, improve, control, operate, or manage a public utility or project and to issue bonds pursuant to this subchapter, may also, by action of its legislative branch, exercise any of the following powers:

(1) to borrow money and issue bonds for the purposes of acquiring, improving, maintaining, financing, controlling, or operating the public utility or project, or for the purpose of selling, furnishing, or distributing the services, facilities, products, or commodities of such utility or project;

(2) to enter into contracts in connection with the issuance of bonds for any of the purposes enumerated in subdivision (1) of this subsection;

(3) to purchase, hold, and dispose of any of its bonds;

(4) to pledge or assign all or part of any net revenues of the public utility or project, to provide for or to secure the payment of the principal of and the interest on bonds issued in connection with such public utility or project;

(5) to do any and all things necessary or prudent to carry out the powers expressly granted or necessarily implied in this subchapter, including without limitation those powers enumerated in section 1824 of this title.

(b)(1) The bonds authorized under this section shall be in such form, shall contain such provisions, and shall be executed as may be determined by the legislative branch of the municipal corporation, but shall not be executed, issued, or made, and shall not be valid and binding, unless and until at least a majority of the legal voters of such municipal corporation present and voting

at a duly warned annual or special meeting called for that purpose shall have first voted to authorize the same.

(2) The warning calling such a meeting shall state the purpose for which it is proposed to issue bonds, the estimated cost of the project, the amount of bonds proposed to be issued under this subchapter therefor, that such bonds are to be payable solely from net revenues, and shall fix the place where and the date on which such meetings shall be held and the hours of opening and closing the polls.

(3) The notice of the meeting shall be published and posted as provided in section 1756 of this title.

(4) When a majority of all the voters voting on the question at such meeting vote to authorize the issuance of bonds under this subchapter to pay for such project, the legislative body shall be authorized to issue bonds or enter into contracts, pledges, and assignments as provided in this subchapter.

(5) Sections 1757 and 1758 of this title shall apply to the proceedings taken hereunder, except that the form of ballot to be used shall be substantially as follows:

Shall bonds of the (name of municipality) to the amount of \$ _____ be issued under subchapter 2 of chapter 53 of Title 24, Vermont Statutes Annotated, payable only from net revenues derived from the (type) public utility system, for the purpose of paying for the following public utility project?

If in favor of the bond issue, make a cross (x) in this square .

If opposed to the bond issue, make a cross (x) in this square .

(c) The bonds authorized by this subchapter shall be sold at par, premium, or discount by negotiated sale, competitive bid, or to the Vermont Municipal Bond Bank.

(d) Notwithstanding the provisions of subsection (b) of this section, the legislative branch of a municipal corporation owning a municipal plant as defined in 30 V.S.A. § 2901 may authorize by resolution the issuance of bonds in an amount not to exceed 50 percent of the total assets of said municipal plant without the need for voter approval. Nothing in this subsection shall be interpreted as eliminating the requirement for approval from the Public Utility Commission pursuant to 30 V.S.A. § 108, where applicable.

Sec. 2. 30 V.S.A. § 108 is amended to read:

§ 108. ISSUE OF BONDS OR OTHER SECURITIES

* * *

(b) The provisions of this section shall not apply to the Vermont Public Power Supply Authority or to a public utility which that meets each and all of the following four conditions:

(1) is incorporated in some state other than Vermont;

(2) is conducting an interstate and intrastate telephone business ~~which~~ that is subject to regulation by the Federal Communications Commission in some respects;

(3) is conducting telephone operations in four or more states; and

(4) has less than 10 percent of its total investment in property used or useful in rendering service located within this State to the extent that such public utility may issue stock, bonds, notes, debentures, or other evidences of indebtedness not directly or indirectly constituting or creating a lien on any property used or useful in rendering service ~~which~~ that is located within this State.

(c)(1) A municipality shall not issue bonds or notes or pledge its net revenues under 24 V.S.A. chapter 53, respecting the ownership or operation of a gas or electric utility, unless the Public Utility Commission first finds, upon petition of the municipality and after notice and an opportunity for hearing, that the proposed action will be consistent with the general good of the State.

(2) If the Public Utility Commission does not issue its ruling within 90 days of the filing of the petition, as may be extended by consent of the municipality, the issuance of the proposed bonds or notes or pledge of net revenues shall be deemed to be consistent with the general good of the State.

(3) If the Public Utility Commission issues a ruling in accordance with subdivision (1) of this subsection, or does not rule within the period specified in subdivision (2) of this subsection, a municipality must ~~subsequently obtain~~ also have obtained voter approval in accordance with 24 V.S.A. chapter 53, if required, prior to issuing bonds or notes or pledging its net revenues.

(d) Notwithstanding the provisions of subsection (c) of this section, a municipality may:

(1) issue bonds or notes or pledge its net revenues payable within three years from the date of issue without such consent, provided such borrowing is

necessary in an emergency to restore service immediately after damage by disaster; ~~or~~

(2) issue bonds or notes or pledge its net revenues payable within one year of the date of issuance without the consent otherwise required by this subdivision, provided its total bonds, notes, or evidences of indebtedness so payable within one year do not exceed 20 percent of its total assets; or

(3) issue bonds or notes without the consent otherwise required by this subdivision, provided:

(A) the amount of the issuance plus the amount of any bond or note issuances during the previous 12 calendar months does not exceed 20 percent of the municipality's total assets; and

(B) after the proposed issuance, the total amount of the municipality's outstanding bonds, notes, or evidences of indebtedness would not exceed 50 percent of its total assets.

Sec. 3. 30 V.S.A. § 5031(a)(4) is amended to read:

(4) Bonds and notes may be issued in accordance with this chapter, ~~subject to~~ without the need to obtain the consent and approval of the Public Utility Commission as provided in this title.

Sec. 4. 30 V.S.A. § 8002 is amended to read:

§ 8002. DEFINITIONS

As used in this chapter:

* * *

(10) "Group net metering system" means a net metering system serving more than one customer, or a single customer with multiple electric meters, located within the service area of the same retail electricity provider. Various buildings owned by municipalities, including water and wastewater districts, fire districts, villages, school districts, and towns, may constitute a group net metering system. A union or district school facility ~~shall~~ may be considered in the same group net metering system with buildings of its member ~~municipalities~~ schools that are located within the service area of the same retail electricity provider ~~that serves the facility~~. The cumulative group net metering capacity of a customer that is a school district shall not exceed 1 MW provided that each account is enrolled in only one group.

* * *

Sec. 5. 30 V.S.A. § 8010 is amended to read:

§ 8010. SELF-GENERATION AND NET METERING

* * *

(f) Except for net metering systems for which the Commission has established a registration process, the Commission shall issue a final determination as to an uncontested application within 90 days of the date of the last substantive filing by a party.

Sec. 6. PUBLIC UTILITY COMMISSION; RULES

(a) The Public Utility Commission shall update its applicable rules for consistency with this act.

(b) The provisions of this act shall supersede any provisions to the contrary contained in the Public Utility Commission's rules as they existed immediately prior to the effective date of this act.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

NEW BUSINESS

Third Reading

H. 132.

An act relating to adopting protections against housing discrimination for victims of domestic and sexual violence.

**Proposal of amendment to H. 132 to be offered by Senator Sears before
Third Reading**

Senator Sears moves to amend the Senate proposal of amendment by striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. PROTECTED TENANT SELF-CERTIFICATION; FORM

(a) The Vermont Network Against Domestic and Sexual Violence, in collaboration with the Vermont Apartment Owners Association and other interested parties, shall:

(1) develop and make available a standard self-certification form for use by protected tenants pursuant to 9 V.S.A. § 4472(b);

(2) provide the self-certification form to the Department for Children and Families, once developed; and

(3) provide a status report regarding the form, its availability, and its use to the Senate Committee on Economic Development, Housing and General Affairs and to the House Committee on General, Housing, and Military Affairs on or before January 15, 2020.

H. 528.

An act relating to the Rural Health Services Task Force.

Second Reading

Favorable

H. 82.

An act relating to the taxation of timber harvesting equipment.

Reported favorably by Senator Collamore for the Committee on Agriculture.

(Committee vote: 5-0-0)

(For House amendments, see House Journal of March 22, 2019, pages 591-592)

Reported favorably by Senator Campion for the Committee on Finance.

(Committee vote: 6-0-1)

NOTICE CALENDAR

Second Reading

Favorable with Proposal of Amendment

H. 57.

An act relating to preserving the right to abortion.

Reported favorably with recommendation of proposal of amendment by Senator Lyons for the Committee on Health and Welfare.

The Committee recommends that the Senate propose to the House to amend the bill by striking out Sec. 1 (legislative intent) in its entirety and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT

Currently Vermont does not impose legal restrictions on the right to abortion. Health care practitioners providing abortion care in Vermont make determinations regarding the provision of safe and legal abortion within the scope of their practice and license, and in accordance with the relevant

standards of medical practice and guiding ethical principles. The General Assembly intends this act to safeguard these existing rights to access reproductive health services in Vermont by ensuring those rights are not denied, restricted, or infringed by a governmental entity. Nothing about this act shall be construed to undermine the supreme legislative power exercised by the Senate and House of Representatives in accordance with Chapter II, Section 2 of the Vermont Constitution or the judicial power vested in Vermont's unified judicial system in accordance with Chapter II, Section 4 of the Vermont Constitution, or to contravene 18 U.S.C. § 1531.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 21, 2019, pages 206-238)

H. 205.

An act relating to the regulation of neonicotinoid pesticides.

Reported favorably with recommendation of proposal of amendment by Senator Pollina for the Committee on Agriculture.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. § 911 is amended to read:

§ 911. DEFINITIONS

As used in this chapter:

* * *

(4) “Secretary” means the Secretary of Agriculture, Food and Markets.

(5) “Economic poison” means:

(A) any substance produced, distributed, or used for preventing, destroying, or repelling any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living ~~man~~ humans or other animals, which the Secretary shall declare to be a pest;

(B) any substance produced, distributed, or used as a plant regulator, defoliant, or desiccant.

* * *

(7) “Fungicide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

(8) “Herbicide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

* * *

(12) “Insecticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects ~~which~~ that may be present in any environment whatsoever.

* * *

(16) “Person” means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

(17) “Registrant” means the person registering any economic poison pursuant to the provisions of this chapter.

(18) “Rodenticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal ~~which~~ that the Secretary shall declare to be a pest.

(19) “Weed” means any plant ~~which~~ that grows where not wanted.

(20) “Nematocide” means any substance produced, distributed, or used for preventing, destroying, or repelling nematodes.

(21) “Plant regulator” means any substance produced, distributed, or used for the purposes of accelerating or retarding the rate of growth or rate of maturation, or otherwise altering the behavior of plants but shall not include substances produced, distributed, or used for plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

(22) “Defoliant” means any substance produced, distributed, or used for causing the foliage to drop from a plant, with or without causing abscission.

(23) “Desiccant” means any substance produced, distributed, or used for artificially accelerating the drying of plant tissues.

* * *

(25) “Agricultural seed” has the same meaning as in section 641 of this title.

(26) “Neonicotinoid pesticide” means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals, including:

(A) imidacloprid;

(B) nithiazine;

(C) acetamiprid;

(D) clothianidin;

(E) dinotefuran;

(F) thiacloprid;

(G) thiamethoxam; and

(H) any other chemical designated by the Secretary by rule.

(27) “Treated article” or “treated article pesticide” shall have the same meaning as “treated article” in section 1101 of this title.

(28) “Treated article seed” means an agricultural seed, flower seed, or vegetable seed that is a treated article pesticide.

Sec. 2. 6 V.S.A. § 918 is amended to read:

§ 918. REGISTRATION

(a) Every economic poison ~~which~~ that is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be registered in the Office of the Secretary, and such registration shall be renewed annually; provided that products ~~which~~ that have the same formula are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison may be registered as a single economic poison; and additional names and labels shall be added by ~~supplement~~ supplemental statements during the current period of registration. It is further provided that any economic poison imported into this State, which is subject to the provisions of any federal act providing for the registration of economic poisons and which has been duly registered under the provisions of this chapter, may, in the discretion of the Secretary, be exempted from registration under this chapter, when sold or distributed in the unbroken immediate container in which it was originally shipped. The registrant shall file with the Secretary a statement including:

(1) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant.

(2) The name of the economic poison.

(3) A complete copy of the labeling accompanying the economic poison and a statement of all claims to be made for it, including directions for use.

(4) If requested by the Secretary, a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information

which that is different from that furnished when the economic poison was registered or last reregistered.

(b) The registrant shall pay an annual fee of ~~\$175.00~~ \$200.00 for each product registered, and ~~\$160.00~~ \$185.00 of that amount shall be deposited in the special fund created in section 929 of this title, ~~of which \$5.00 from each product registration shall be used for an educational program related to the proper purchase, application, and disposal of household pesticides, and \$5.00 from each product registration shall be used to collect and dispose of obsolete and unwanted pesticides.~~ Of the registration fees collected under this subsection, \$15.00 of the amount collected shall be deposited in the Agricultural Water Quality Special Fund under section 4803 of this title. Of the registration fees collected under this subsection, \$25.00 of the amount collected shall be used to offset the additional costs of inspection of economic poison products and to provide educational services, training, and technical assistance to pesticide applicators, beekeepers, and the general public regarding the effects of pesticides on pollinators and the methods or best management practices to reduce the impacts of pesticides on pollinators. The annual registration year shall be from December 1 to November 30 of the following year.

* * *

(f) The Secretary shall register as a restricted use pesticide any neonicotinoid pesticide labeled as approved for outdoor use that is distributed, sold, sold into, or offered for sale within the State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State, provided that the Secretary shall not register the following products as restricted use pesticides, unless classified under federal law as restricted use products:

(1) pet care products used for preventing, destroying, repelling, or mitigating fleas, mites, ticks, heartworms, or other insects or organisms;

(2) personal care products used for preventing, destroying, repelling, or mitigating lice or bedbugs;

(3) indoor pest control products used for preventing, destroying, repelling, or mitigating insects indoors; and

(4) treated article seed.

Sec. 3. 6 V.S.A. § 3023 is amended to read:

§ 3023. DUTIES TO REGISTRATION; REPORT

(a) It shall be the duty of any Registration. A person who is the owner of any bees, apiary, colony, or hive to report to in the State shall register with the Secretary in writing on a form provided by the Secretary.

(b) Report. Annually the owner of any bees, apiary, colony, or hive registered under subsection (a) of this section shall submit a report to the Secretary that includes all of the following information:

(1) the The location of all such apiaries and number of colonies that the person owns. The location of an apiary shall become its registered location;

(2) the change of Whether the location of any apiary will change within two weeks of the date that the report is submitted unless the change of location is to provide pollination services and the colonies will be returned to a registered apiary. Hives from a registered apiary may be moved to another registered apiary without reregistering;

(3) the discovery of Whether a serious disease was discovered within any of his or her colonies; hive or colony in a registered apiary.

(4) the transportation Whether the owner transported into this the State of any colonies or used equipment, except as noted in authorized under subsection 3032(c) of this title; and.

(5) the fact that he or she Whether the owner is engaged in the rearing of queen bees or any other bees for sale, if applicable.

(6) A current varroa mite and pest mitigation plan for each registered apiary.

Sec. 4. 6 V.S.A. § 3023a is added to read:

§ 3023a. VERMONT BEEKEEPER EDUCATIONAL PROGRAM

(a) The Secretary, in cooperation with the Vermont Beekeepers Association, shall establish a voluntary educational program to train a person who owns bees, apiaries, colonies, or hives in the State. The educational program shall address:

(1) bee health;

(2) varroa mite identification and control;

(3) identification of common diseases or pests;

(4) proper maintenance of hives;

(5) State laws regarding beekeeping and pesticide application; and

(6) continued education opportunities.

(b) The Secretary shall award a certificate to a person who completes the Vermont beekeeper training program under subsection (a) of this section.

Sec. 5. 6 V.S.A. § 3032 is amended to read:

§ 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT INTO
THE STATE

(a) No Except as provided under subsections (c) and (d) of this section, bees, used equipment, or colonies shall not be brought into the State of Vermont unless approved by the Secretary by permit. The Secretary shall not approve the import of bees, used equipment, or colonies from out of state unless accompanied by a valid certificate of inspection within the previous ten months 60 days from the state or country of origin stating that the bees, used equipment, or bee colonies are free from bee disease.

(b) Any person, other than a common carrier, who knowingly transports or causes to be transported used equipment or colonies to a point within this State shall provide the ~~secretary~~ Secretary with a copy of the certificate of inspection not more than 72 hours after entry into this State.

(c) This section shall not apply to a shipment of bees, equipment, or colonies which originated outside the ~~state~~ State and is destined for another point that is also located outside this State.

(d) The Secretary shall not require an import permit or a valid certificate of inspection under subsection (a) for bees, used equipment, or colonies that:

(1) are registered in Vermont;

(2) were transported no more than 75 miles from the registered location of the owner of the bees or colonies; and

(3) are imported back into the State within 90 days of the date of original transport.

Sec. 6. 6 V.S.A. § 3030 is amended to read:

§ 3030. RULES

The Secretary may adopt and enforce such rules which may provide for to implement the requirements of this chapter, including rules regarding:

(1) inspection, disinfection, seizure, destruction, or other disposition of bees, equipment, or bee products capable of carrying or transmitting any disease;

(2) importation of bees, equipment, or bee products capable of carrying or transmitting any disease; or

(3) registration and reporting by persons owning bees, an apiary, a colony, or a hive.

Sec. 7. 6 V.S.A. § 3022 is amended to read:

§ 3022. ENFORCEMENT; INSPECTION

(a) The Secretary shall enforce the provisions of this chapter.

(b) Any person who is the owner of any bees, apiary, colony, or hive shall pay a \$10.00 annual registration fee for each ~~location of hives~~ apiary. The fee revenue shall be collected by the Secretary and credited to the ~~Weights and Measures Testing Fund~~ Pesticide Monitoring Revolving Fund under section 929 of this title to be used to offset the costs of inspection services and to provide educational services and technical assistance to beekeepers in the State.

Sec. 8. POSITIONS; POLLINATOR SPECIALIST; PESTICIDE ENFORCEMENT

The establishment of the following new classified, full-time positions funded from fees collected under 6 V.S.A. § 918 is authorized in fiscal year 2020:

(1) In the Agency of Agriculture, Food and Markets – pollinator specialist.

(2) In the Agency of Agriculture, Food and Markets – enforcement specialist.

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 26, 2019, pages 659-665)

Reported favorably by Senator Pearson for the Committee on Finance.

The Committee recommends that the bill be amended as recommended by the Committee on Agriculture and when so amended ought to pass.

(Committee vote: 5-0-2)

H. 460.

An act relating to sealing and expungement of criminal history records.

Reported favorably with recommendation of proposal of amendment by Senator Sears for the Committee on Judiciary.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 2658 is amended to read:

§ 2658. ~~PROSTITUTION CONVICTION; MOTION TO VACATE BY~~ VICTIM OF HUMAN TRAFFICKING

(a) As used in this section:

(1) “Qualifying crime” means a criminal offense in this State that is not listed in 33 V.S.A. § 5204(a).

(2) ~~“victim~~ Victim of human trafficking” means:

~~(1)(A)~~ (A) a victim of a violation of section 2652 or 2653 of this title;

or

~~(2)(B)~~ (B) “a victim of a severe form of trafficking” as defined by 22 U.S.C. § 7102(14) (federal Trafficking Victims Protection Act).

(b) A person convicted of ~~prostitution in violation of section 2632 of this title~~ a qualifying crime may file a motion to vacate the conviction if it was obtained as a result of the person having been a victim of human trafficking. The motion shall be in writing, describe the supporting evidence with particularity, and include copies of any documents showing that the moving party is entitled to relief under this section.

(c) The court shall hold a hearing on the motion, provided that the court may dismiss a motion without a hearing if the court finds that the motion fails to assert a claim for which relief may be granted.

(d)(1) The court shall grant the motion if it finds by a preponderance of the evidence that:

(A) the moving party was convicted of ~~prostitution in violation of section 2632 of this title~~ a qualifying crime; and

(B) the conviction was obtained as a result of the moving party’s having been a victim of human trafficking.

(2) If the motion is granted, the court shall vacate the conviction, strike the adjudication of guilt, and expunge the record of the criminal proceedings.

The court shall issue an order to expunge, or redact the moving party's name from, all records and files related to the moving party's arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation for the offense.

(e) Official documentation of a person's status as a victim of human trafficking provided by a federal, state, or local government agency shall create a presumption that the person's prostitution conviction was obtained as a result of having been a victim of human trafficking. Such documentation shall not be required to grant a motion under this section.

Sec. 2. 13 V.S.A. § 7601 is amended to read:

§ 7601. DEFINITIONS

As used in this chapter:

(1) "Court" means the Criminal Division of the Superior Court.

(2) "Criminal history record" means all information documenting an individual's contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(3) "Predicate offense" means a criminal offense that can be used to enhance a sentence levied for a later conviction, and includes operating a vehicle under the influence of alcohol or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title. "Predicate offense" shall not include misdemeanor possession of marijuana, or a disorderly conduct offense under section 1026 of this title, or possession of a controlled substance in violation of 18 V.S.A. § 4230(a), 4231(a), 4232(a), 4233(a), 4234(a), 4234a(a), 4234b(a), 4235(b), or 4235a(a).

(4) "Qualifying crime" means:

(A) a misdemeanor offense that is not:

(i) a listed crime as defined in subdivision 5301(7) of this title;

(ii) an offense involving sexual exploitation of children in violation of chapter 64 of this title;

(iii) an offense involving violation of a protection order in violation of section 1030 of this title;

(iv) prostitution as defined in section 2632 of this title, or prohibited conduct under section 2601a of this title; or

- (v) a predicate offense;
- (B) a violation of subsection 3701(a) of this title related to criminal mischief;
- (C) a violation of section 2501 of this title related to grand larceny;
- (D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title; or
- (E) a violation of 18 V.S.A. § 4223 related to fraud or deceit;
- (F) a violation of section 1802 of this title related to uttering a forged or counterfeited instrument;
- (G) a violation of 18 V.S.A. § 4230(a) related to possession of marijuana;
- (H) a violation of 18 V.S.A. § 4231(a) related to possession of cocaine;
- (I) a violation of 18 V.S.A. § 4232(a) related to possession of LSD;
- (J) a violation of 18 V.S.A. § 4233(a) related to possession of heroin;
- (K) a violation of 18 V.S.A. § 4234(a) related to possession of depressant, stimulant, and narcotic drugs;
- (L) a violation of 18 V.S.A. § 4234a(a) related to possession of methamphetamine;
- (M) a violation of 18 V.S.A. § 4234b(a) related to possession of ephedrine and pseudoephedrine;
- (N) a violation of 18 V.S.A. § 4235(b) related to possession of hallucinogenic drugs;
- (O) a violation of 18 V.S.A. § 4235a(a) related to possession of ecstasy; or
- (P) any offense for which a person has been granted an unconditional pardon from the Governor.

Sec. 3. 13 V.S.A. § 7602 is amended to read:

§ 7602. EXPUNGEMENT AND SEALING OF RECORD,
POSTCONVICTION; PROCEDURE

(a)(1) A person may file a petition with the court requesting expungement or sealing of the criminal history record related to the conviction if:

(A) the person was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence; or

(B) the person was convicted of an offense for which the underlying conduct is no longer prohibited by law or designated as a criminal offense;

(C) pursuant to the conditions set forth in subsection (g) of this section, the person was convicted of a violation of 23 V.S.A. § 1201(a) related to operating under the influence of alcohol or other substance, excluding a violation of that section resulting in serious bodily injury or death to any person other than the operator, or related to operating a school bus with a blood alcohol concentration of 0.02 or more or operating a commercial vehicle with a blood alcohol concentration of 0.04 or more; or

(D) pursuant to the conditions set forth in subsection (h) of this section, the person was convicted under 1201(c)(3)(A) of a violation of subdivision 1201(a) of this title related to burglary when the person was 25 years of age or younger, and the person did not carry a dangerous or deadly weapon during commission of the offense.

(2) The State's Attorney or Attorney General shall be the respondent in the matter.

(3) The court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the court, and the court shall issue the petitioner a ~~certificate~~ an order of expungement and provide notice of the order in accordance with this section.

(4) This section shall not apply to an individual licensed as a commercial driver pursuant to 23 V.S.A. chapter 39 seeking to seal or expunge a record of a conviction for a felony offense committed in a motor vehicle as defined in 23 V.S.A. § 4.

* * *

(g) For petitions filed pursuant to subdivision (a)(1)(C) of this section, only petitions to seal may be considered or granted by the court. This subsection shall not apply to an individual licensed as a commercial driver pursuant to 23 V.S.A. chapter 39. Unless the court finds that sealing would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be sealed in accordance with section 7607 of this title if the following conditions are met:

(1) At least 10 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and

conditions of an indeterminate term of probation that commenced at least 10 years previously.

(2) At the time of the filing of the petition:

(A) the person has only one conviction of a violation of 23 V.S.A. § 1201, which shall be construed in accordance with 23 V.S.A. § 1211; and

(B) the person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of a violation of 23 V.S.A. § 1201(a).

(3) Any restitution ordered by the court has been paid in full.

(4) The court finds that sealing of the criminal history record serves the interests of justice.

(h) For petitions filed pursuant to subdivision (a)(1)(D) of this section, unless the court finds that expungement or sealing would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be expunged or sealed in accordance with section 7606 or 7607 of this title if the following conditions are met:

(1) At least 15 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least 15 years previously.

(2) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of a violation of subdivision 1201(c)(3)(A) of this title.

(3) Any restitution ordered by the court has been paid in full.

(4) The court finds that expungement or sealing of the criminal history record serves the interests of justice.

Sec. 4. 13 V.S.A. § 7603 is amended to read:

§ 7603. EXPUNGEMENT AND SEALING OF RECORD, NO
CONVICTION; PROCEDURE

(a) Unless either party objects in the interests of justice, the court shall issue an order sealing the criminal history record related to the citation or arrest of a person:

(1) ~~12 months after the dismissal~~ within 60 days after the final disposition of the case if:

(A) the court does not make a determination of probable cause at the time of arraignment ~~or dismisses the charge at the time of arraignment~~; or

(B) the charge is dismissed before trial without prejudice; or

(2) at any time if the prosecuting attorney and the defendant stipulate that the court may grant the petition to seal the record.

(b) If a party objects to sealing or expunging a record pursuant to this section, the court shall schedule a hearing to determine if sealing or expunging the record serves the interests of justice. The defendant and the prosecuting attorney shall be the only parties in the matter.

(c), (d) [Repealed.]

(e) Unless either party objects in the interests of justice, the court shall issue an order expunging a criminal history record related to the citation or arrest of a person:

(1) ~~not more than 45 days after~~ within 60 days after the final disposition of the case if:

(A) ~~acquittal~~ if the defendant is acquitted of the charges; or

(B) ~~dismissal~~ if the charge is dismissed with prejudice ~~before trial~~;

(2) at any time if the prosecuting attorney and the defendant stipulate that the court may grant the petition to expunge the record.

(f) Unless either party objects in the interests of justice, the court shall issue an order to expunge a record sealed pursuant to subsection (a) or (g) of this section ~~after the statute of limitations has expired~~ eight years after the date on which the record was sealed.

(g) A person may file a petition with the court requesting sealing or expungement of a criminal history record related to the citation or arrest of the person at any time. The court shall grant the petition and issue an order sealing or expunging the record if it finds that sealing or expunging the record serves the interests of justice, or if the parties stipulate to sealing or expungement of the record.

(h) The court may expunge any records that were sealed pursuant to this section prior to July 1, 2018 unless the State's Attorney's office that prosecuted the case objects. Thirty days prior to expunging a record pursuant to this subsection, the court shall provide to the State's Attorney's office that prosecuted the case written notice of its intent to expunge the record.

Sec. 5. 13 V.S.A. § 7606 is amended to read:

§ 7606. EFFECT OF EXPUNGEMENT

~~(a) Upon entry of an expungement order, the order shall be legally effective immediately and the person whose record is expunged shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense. The court shall issue an order to expunge all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the sentence. The court shall issue the person a certificate stating that such person's behavior after the conviction has warranted the issuance of the order and that its effect is to annul the record of arrest, conviction, and sentence. Order and notice. Upon finding that the requirements for expungement have been met, the court shall issue an order that shall include provisions that its effect is to annul the record of the arrest, conviction, and sentence and that such person shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense. The court shall provide notice of the expungement to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, and any other entity that may have a record related to the order to expunge. The VCIC shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center.~~

~~(b) Effect.~~

~~(1) Upon entry of an expungement order, the order shall be legally effective immediately and the person whose record is expunged shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense.~~

~~(2) In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous criminal history record only with respect to arrests or convictions that have not been expunged.~~

~~(3) The response to an inquiry from any person regarding an expunged record shall be that "NO CRIMINAL RECORD EXISTS."~~

~~(4) Nothing in this section shall affect any right of the person whose record has been expunged to rely on it as a bar to any subsequent proceedings for the same offense.~~

~~(c) Nothing in this section shall affect any right of the person whose record has been expunged to rely on it as a bar to any subsequent proceedings for the same offense Process.~~

~~(1) The court shall remove the expunged offense from any accessible database that it maintains.~~

(2) Until all charges on a docket are expunged, the case file shall remain publicly accessible.

(3) When all charges on a docket have been expunged, the case file shall be destroyed pursuant to policies established by the Court Administrator.

(d) Special index.

(1) The court shall keep a special index of cases that have been expunged together with the expungement order ~~and the certificate issued pursuant to this chapter.~~ The index shall list only the name of the person convicted of the offense, his or her date of birth, the docket number, and the criminal offense that was the subject of the expungement.

(2) The special index and related documents specified in subdivision (1) of this subsection shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(3) Inspection of the expungement order ~~and the certificate~~ may be permitted only upon petition by the person who is the subject of the case. The ~~Administrative Judge~~ Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

~~(4) All other court documents in a case that are subject to an expungement order shall be destroyed [Repealed].~~

(5) The Court Administrator shall establish policies for implementing this subsection.

~~(e) Upon receiving an inquiry from any person regarding an expunged record, an entity shall respond that "NO RECORD EXISTS."~~

Sec. 6. 13 V.S.A. § 7607 is amended to read:

§ 7607. EFFECT OF SEALING

(a) Order and notice. Upon entry of an order to seal, the order shall be legally effective immediately and the person whose record is sealed shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense. ~~The court shall issue the person a certificate stating that such person's behavior after the conviction has warranted the issuance of the order~~ and that its effect is to annul the record of arrest, conviction, and sentence. The court shall provide notice of the sealing to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, and any other entity that may have a record related to the order to seal. The VCIC shall provide notice of the sealing to the Federal Bureau of Investigation's National Crime Information Center.

(b) Effect.

(1) Except as provided in subdivision (c) of this section, upon entry of a sealing order, the order shall be legally effective immediately and the person whose record is sealed shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense.

(2) In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous criminal history record only with respect to arrests or convictions that have not been sealed.

(3) The response to an inquiry from any member of the public regarding a sealed record shall be that “NO CRIMINAL RECORD EXISTS.”

(c) Exceptions. Notwithstanding any other provision of law or a sealing order:

(1) An entity that possesses a sealed record may continue to use it for any litigation or claim arising out of the same incident or occurrence or involving the same defendant.

(2) ~~An entity~~ A criminal justice agency as defined in 20 V.S.A. § 2056a may use the criminal history record sealed in accordance with section 7602 or 7603 of this title, ~~regarding a person who was cited or arrested, for future criminal investigations or prosecutions~~ without limitation for criminal justice purposes as defined in 20 V.S.A. § 2056a. A sealed record of a prior violation of 23 V.S.A. § 1201(a) shall be admissible as a predicate offense for the purpose of imposing an enhanced penalty for a subsequent violation of that section, in accordance with the provisions of 23 V.S.A. § 1210.

(d) Upon receiving a sealing order, an entity shall: Process.

(1) ~~seal the investigation or prosecution record;~~ The court shall bar viewing of the sealed offense in any accessible database that it maintains.

(2) ~~enter a copy of the sealing order into the record;~~ Until all charges on a docket have been sealed, the case file shall remain publicly accessible.

(3) ~~flag the record as “SEALED” to prevent inadvertent disclosure of sealed information; and~~ When all charges on a docket have been sealed, the case file shall become exempt from public access.

(4) ~~upon receiving an inquiry from any person regarding a sealed record, respond that “NO RECORD EXISTS.”~~

(e) Special index.

(1) The court shall keep a special index of cases that have been sealed together with the sealing order. The index shall list only the name of the person convicted of the offense, his or her date of birth, the docket number, and the criminal offense that was the subject of the sealing.

(2) The special index and related documents specified in subdivision (1) of this subsection shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(3) Except as provided in subsection (c) of this section, inspection of the sealing order may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(4) The Court Administrator shall establish policies for implementing this subsection.

Sec. 7. 13 V.S.A. § 7610 is added to read:

§ 7610. CRIMINAL HISTORY RECORD SEALING SPECIAL FUND

There is established the Criminal History Record Sealing Special Fund, which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. Fees collected pursuant to 32 V.S.A. § 1431(e) for the filing of a petition to seal a criminal history record of a violation of 23 V.S.A. § 1201(a) shall be deposited into and credited to this Fund. This Fund shall be available to the Office of the Court Administrator, the Department of State's Attorneys and Sheriffs, the Department of Motor Vehicles, and the Vermont Crime Information Center to offset the administrative costs of sealing such records. Balances in the Fund at the end of the fiscal year shall be carried forward and remain in the Fund.

Sec. 8. 23 V.S.A. § 1205 is amended to read:

§ 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

* * *

(e) Effective date of suspension.

(1) First offense. Unless a hearing is requested, a suspension under this section of the license of a person who the officer has reasonable grounds to believe violated section 1201 of this title a first time becomes effective on the 11th day after the person receives notice or is deemed to have received notice

under subsection (c) of this section. If a hearing is requested, a suspension shall not become effective unless the court orders a suspension after hearing as provided in this section.

(2) Second or subsequent offense. A suspension of a person's license under this section shall become effective on the 11th day after the person receives notice or is deemed to have received notice under subsection (c) of this section if:

(A) the officer has reasonable grounds to believe the person has violated section 1201 of this title; and

(B) ~~after July 1, 1991~~ within the last 20 years, the person has:

(i) had his or her operator's license suspended pursuant to this section; or

(ii) been convicted of a violation of section 1201 of this title.

* * *

Sec. 9. 23 V.S.A. § 1210 is amended to read:

§ 1210. PENALTIES

(a) Screening. Before sentencing a defendant under this section, the ~~Court~~ court may order that the defendant submit to an alcohol assessment screening. Such a screening report may be considered at sentencing in the same manner as a presentence report. At sentencing, the defendant may present relevant evidence, including the results of any independent alcohol assessment ~~which~~ that was conducted at the person's own expense. Evidence regarding any such screening or an alcohol assessment performed at the expense of the defendant shall not be admissible for any other purpose without the defendant's consent.

(b) First offense. A person who violates section 1201 of this title may be fined not more than \$750.00, or imprisoned for not more than two years, or both.

(c) Second offense. A person convicted of violating section 1201 of this title who has been convicted of another violation of that section within the last 20 years shall be fined not more than \$1,500.00 or imprisoned not more than two years, or both. At least 200 hours of community service shall be performed, or 60 consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised sentence, except that credit for a sentence of imprisonment may be received for time served in a residential alcohol facility pursuant to sentence if the program is successfully completed.

(d) Third offense. A person convicted of violating section 1201 of this title who has previously been convicted two times of a violation of that section, including at least one violation within the last 20 years, shall be fined not more than \$2,500.00 or imprisoned not more than five years, or both. At least 96 consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised sentence, except that credit for a sentence of imprisonment may be received for time served in a residential alcohol facility pursuant to sentence if the program is successfully completed. The ~~Court~~ court may impose a sentence that does not include a term of imprisonment or that does not require that the 96 hours of imprisonment be served consecutively only if the ~~Court~~ court makes written findings on the record that such a sentence will serve the interests of justice and public safety.

(e)(1) Fourth or subsequent offense. A person convicted of violating section 1201 of this title who has previously been convicted three or more times of a violation of that section, including at least one violation within the last 20 years, shall be fined not more than \$5,000.00 or imprisoned not more than 10 years, or both. At least 192 consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised sentence, except that credit for a sentence of imprisonment may be received for time served in a residential alcohol treatment facility pursuant to sentence if the program is successfully completed. The ~~Court~~ court shall not impose a sentence that does not include a term of imprisonment unless the ~~Court~~ court makes written findings on the record that there are compelling reasons why such a sentence will serve the interests of justice and public safety.

(2) The Department of Corrections shall provide alcohol and substance abuse treatment, when appropriate, to any person convicted of a violation of this subsection.

* * *

Sec. 10. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

* * *

(e) Prior to the filing of any postjudgment motion in the Civil, Criminal, or Environmental Division of the Superior Court, including motions to reopen civil suspensions and ~~motions for sealing or expungement in the Criminal Division pursuant to 13 V.S.A. § 7602~~, or motions to reopen existing cases in the Probate Division of the Superior Court, there shall be paid to the clerk of the court for the benefit of the State a fee of \$90.00 except for small claims

actions and estates. A filing fee of \$90.00 shall be paid to the clerk of the court for a civil petition for minor settlements. The \$90.00 filing fee shall apply for a motion to seal a criminal history record of a violation of 23 V.S.A. § 1201(a) pursuant to 13 V.S.A. § 7602(a)(1)(C), but shall not apply for any other motion to seal or expunge a criminal history record pursuant to 13 V.S.A. § 7602.

* * *

Sec. 11. VERMONT SENTENCING COMMISSION; COUNCIL OF STATE GOVERNMENTS; JUSTICE OVERSIGHT COMMITTEE; REPORTS ON EXPUNGEMENT AND SEALING

During the 2019 legislative interim:

(1) the Vermont Sentencing Commission, established under 13 V.S.A. § 5451, shall conduct a comprehensive assessment of the statutes governing the expungement and sealing of criminal history records in Vermont, including reviewing the crimes eligible for expungement or sealing, the process by which criminal history records are expunged or sealed, the mechanism by which expunged or sealed records are indexed, and the effect of sealing or expungement. As a part of its assessment, the Commission shall evaluate all Vermont civil offenses and the crime of negligent operation of a motor vehicle under 23 V.S.A. § 1091(a) for their suitability for expungement or sealing eligibility.

(2) on or before November 1, 2019, the Commission shall report to the Joint Legislative Justice Oversight Committee and the House and Senate Committees on Judiciary with recommendations regarding:

(A) improvements to the expungement and sealing process; and

(B) any additional crimes or civil offenses appropriate for expungement or sealing eligibility.

(3) the Joint Legislative Justice Oversight Committee, working with the Council of State Governments Justice Center, shall conduct a review of the Vermont statutes governing expungement and sealing of criminal history records and develop a comprehensive policy to help individuals with a criminal record overcome barriers to employment and licensing through clearing their records. Any recommendations for reform of the expungement and sealing chapter and other relevant statutes shall be introduced in the form of proposed legislation for the 2020 legislative session.

Sec. 12. SURCHARGES STUDY GROUP

During the 2019 legislative interim, the Vermont Center for Crime Victim Services, the Office of the Court Administrator, Vermont Legal Aid, and a representative of the special investigative units created pursuant to 24 V.S.A. § 1940 shall examine the issue of requiring a petitioner to pay outstanding surcharges prior to a court granting an expungement or sealing petition. On or before October 15, 2019, the group shall report to the Joint Legislative Justice Oversight Committee with its findings and any recommendations for legislative action.

Sec. 13. REVIEW OF PROSTITUTION AND HUMAN TRAFFICKING LAWS

The Attorney General's Office, the Center for Crime Victim Services, and the Network Against Domestic and Sexual Violence, in consultation with other entities with expertise in these issues, shall review 13 V.S.A. chapter 59, subchapter 2 (prostitution) and 13 V.S.A. chapter 60 (human trafficking), 13 V.S.A. § 1311 (unlawful sheltering; aiding a runaway), and 33 V.S.A. § 5304 (designated shelters for runaway children) for the purpose of making recommendations to the General Assembly regarding modernization of these laws and employment of best practices in addressing the issue of prostitution and human trafficking. The group shall also make a recommendation as to whether 13 V.S.A. § 2658 (motion to vacate by victim of human trafficking) should be amended to allow a person to file a motion to vacate a conviction for any criminal offense if it was obtained as a result of the moving party's having been a victim of human trafficking. The group shall report its recommendations to the General Assembly not later than October 15, 2019. Recommendations may be made through proposed legislation and do not require a report.

Sec. 14. EFFECTIVE DATES

This act shall take effect on July 1, 2019, except that Sec. 3 (expungement and sealing of record; postconviction; procedure) shall take effect on October 1, 2019.

(Committee vote: 4-0-1)

(For House amendments, see House Journal for March 21, 2019, pages 580-586)

Reported favorably by Senator Campion for the Committee on Finance.

The Committee recommends that the bill be amended as recommended by the Committee on Judiciary and when so amended ought to pass.

(Committee vote: 5-0-2)

H. 531.

An act relating to Vermont's child care and early learning system.

Reported favorably with recommendation of proposal of amendment by Senator Lyons for the Committee on Health and Welfare.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that:

(1) Vermont strives to enhance the capacity and affordability of the child care and early learning system and support the retention, growth, and professional development of its workforce;

(2) investments and initiatives set forth in this act are meant to compliment the anticipated redesign of the Child Care Financial Assistance Program, which shall be monitored by the General Assembly; and

(3) investments set forth in this act are meant to be the first of many aimed at strengthening families and the economy.

* * * Child Care Financial Assistance Program * * *

Sec. 2. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall ~~not~~ be entitled to participate in the Program for ~~a period in excess of one month, unless that period is extended by up to three months and~~ the Commissioner may further extend that period.

(2) The subsidy authorized by this subsection shall be on a sliding scale basis. The scale shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the current federal poverty guidelines. The upper income limit of the fee scale shall be neither less than 200 percent of the current federal

poverty guidelines nor more than 100 percent of the State median income, adjusted for the size of the family. The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.

* * *

(4) After September 30, 2021, a regulated center-based child care program or family child care home as defined by the Department in rule shall not receive funds pursuant to this subsection that are in excess of the usual and customary rate for services at the center-based child care program or family child care home.

* * *

Sec. 3. CHILD CARE FINANCIAL ASSISTANCE PROGRAM

In fiscal year 2020, \$1,250,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division to restore the base for the Child Care Financial Assistance Program (CCFAP) and \$4,900,000.00 is appropriated from the General Fund to the Division for the purpose of adjusting the sliding fee scale and reimbursement rates in CCFAP as follows:

(1) adjust the sliding fee scale of CCFAP to ensure that families whose gross income is up to 100 percent of the current federal poverty guidelines receive 100 percent of the available benefit and that families whose gross income is between 100 and 300 percent of the current federal poverty guidelines receive between 99 and 10 percent of the available financial assistance benefit, scaling between set eligibility levels as follows:

(A) 95 percent of the available financial assistance benefit for families at 125 percent of the current federal poverty guidelines;

(B) 75 percent of the available financial assistance benefit for families at 150 percent of the current federal poverty guidelines;

(C) 50 percent of the available financial assistance benefit for families at 200 percent of the current federal poverty guidelines; and

(D) 10 percent of the available financial assistance benefit for families at 300 percent of the current federal poverty guidelines; and

(2) align rates of reimbursement for preschool age children participating in CCFAP in fiscal year 2020 with the market rates reported on the 2012 Vermont Market Rate Survey, align rates of reimbursement for school age

children participating in CCFAP in fiscal year 2020 with the market rates reported on the 2010 Vermont Market Rate Survey, and maintain rates of reimbursement for infants and toddlers participating in CCFAP in fiscal year 2020 with the market rates reported on the 2017 Vermont Market Rate Survey.

* * * Early Child Care and Development Program Grant Funds * * *

Sec. 4. REALLOCATION OF EARLY CHILD CARE AND
DEVELOPMENT PROGRAM FUNDS AND PROGRAM
CESSATION

In fiscal year 2020, any funds proposed to be appropriated to the Department for Children and Families' Child Development Division for the Early Care and Child Development Grant Program established pursuant to 2017 Acts and Resolves No. 85, §§ E.318 and E.318.1 and 2018 (Sp. Sess.) Acts and Resolves No. 11, § E.318 shall be available to fund the Child Care Financial Assistance Program in fiscal year 2020 and thereafter. The Early Care and Child Development Grant Program shall cease operation on June 30, 2019.

Sec. 4a. 33 V.S.A. § 3515 is added to read:

§ 3515. INFANT AND TODDLER CHILD CARE PROVIDER GRANTS

(a) There is established an infant and toddler child care provider grant program administered by the Division for the purpose of expanding infant and toddler child care capacity. The Division shall award grants to new or existing center-based child care programs and family child care homes in accordance with subsections (b) and (c) of this section.

(b) An eligible applicant shall:

(1) be a regulated, privately-operated center-based child care program or family child care home in good standing;

(2) participate in the Child Care Financial Assistance Program (CCFAP) and maintain the enrollment of CCFAP supported children at a level of at least 30 percent;

(3) provide year-round, full-day child care and early learning services for infants and toddlers; and

(4) participate in the STep Ahead Recognition System (STARS).

(c) In determining how to distribute grants pursuant to this section, the Division shall give priority to center-based child care programs and family child care homes operating or opening in underserved regions of the State.

(d) The Division shall provide grants pursuant to this section as funds allow. Center-based child care programs or family child care homes receiving a grant shall remain in compliance with the Division's rules, continue participation in STARS, and maintain high enrollment of children receiving a CCFAP subsidy.

Sec. 4b. APPROPRIATION; INFANT AND TODDLER CHILD CARE PROVIDER GRANT

In fiscal year 2020, \$1,250,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the purpose of funding the infant and toddler child care provider grants set forth in Sec. 4a of this act.

* * * Bright Futures Information System * * *

Sec. 5. BRIGHT FUTURES INFORMATION SYSTEM;
MODERNIZATION PLAN

In fiscal year 2020, up to \$100,000.00 appropriated for the Child Care Financial Assistance Program pursuant to Sec. 3 of this act may be used by the Department for Children and Families' Child Development Division for the purpose of developing a modernization plan for the Bright Futures Information System. On or before Dec. 1, 2019, the Commissioner shall submit a report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare providing:

- (1) an initial project plan and timeline;
- (2) a fiscal analysis of the plan; and
- (3) the project team tasked with overseeing the project's implementation.

Sec. 5a. BRIGHT FUTURES INFORMATION SYSTEM;
MODERNIZATION PLAN DEVELOPMENT AND
IMPLEMENTATION

(a) In fiscal year 2020, \$200,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division to begin development of the project plan established pursuant to Sec. 5 of this act.

(b) In fiscal year 2020, \$1,000,000.00 is appropriated one time from the General Fund to the Department for Children and Families' Child Development Division to begin implementation of the plan established pursuant to Sec. 5 of this act.

(c) Any unused funds appropriated pursuant to Sec. 3 of this act or pursuant to subsection (a) of this section shall be reserved to begin implementation of the plan developed pursuant to Sec. 5 of this act.

* * * Child Care Provider Incentives and Professional
Development Opportunities * * *

Sec. 6. [Deleted.]

Sec. 7. [Deleted.]

Sec. 7a. 33 V.S.A. § 3516 is added to read:

§ 3516. GRANT INCENTIVIZING CHILD CARE PROFESSION

(a) There is established an incentive program that fosters an interest in the child care profession among students, including students participating in adult education. The incentive program shall provide grants to fund a combination of opportunities for students employed in regulated, privately operated center-based child care programs and family child care homes, including:

- (1) scholarships;
- (2) paid internships; and
- (3) hiring or retention bonuses, or both.

(b) The Division shall administer the incentive program set forth in this section or contract for its administration and adopt policies, procedures, and guidelines necessary to implement the provisions of this section. Grants shall be available pursuant to this section on a first-come, first-served basis until appropriated funds are depleted.

(c) An individual shall not simultaneously receive funds from the Vermont Department of Labor to complete a paid internship in regulated, privately operated center-based child care programs and family child care homes while receiving funds pursuant to this section.

Sec. 7b. APPROPRIATION; GRANT INCENTIVIZING CHILD CARE
PROFESSION

In fiscal year 2020, \$600,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the purpose funding the incentive program set forth in 33 V.S.A. § 3516.

Sec. 7c. TECHNICAL CENTERS; CHILD DEVELOPMENT
ASSOCIATE CREDENTIAL

(a) In fiscal year 2020, \$50,000.00 is appropriated one time from the General Fund to the Department for Children and Families' Child

Development Division to facilitate the implementation of the Council for Professional Regulation's Child Development Associate Credential curriculum in technical centers throughout the State.

(b) Any unused funds appropriated pursuant to this section shall be reserved to fund grants set forth in 33 V.S.A. § 3516 for students who completed the Child Development Associate Credential at a Vermont technical center.

* * * Evaluation of Expenditures and Programs * * *

Sec. 8. REPORT; EVALUATION OF EXPENDITURES AND PROGRAMS

On or before January 1, 2024, the Commissioner for Children and Families, in consultation with stakeholders, shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare:

(1) evaluating the effectiveness of the expenditure in the Child Care Financial Assistance Program set forth in Sec. 3 of this act, the infant and toddler child care provider grants set forth in 33 V.S.A. § 3515, the grant incentivizing the child care profession set forth in 33 V.S.A. § 3516, and the expenditure for technical centers' curriculum development set forth in Sec. 7b of this act;

(2) making recommendations as to whether the expenditures and programs in Secs. 3 and 7b of this act and in 33 V.S.A. §§ 3515–3516 should be continued and, if so, the appropriate funding amount and source; and

(3) evaluating how the expenditures and programs in Secs. 3 and 7b of this act and in 33 V.S.A. §§ 3515–3516 contribute to Vermont's children and young people reaching their potential pursuant to 3 V.S.A. § 2311.

* * * Variance for Educational and Experiential Requirements * * *

Sec. 9. EDUCATIONAL AND EXPERIENTIAL VARIANCE

(a) For individuals operating or employed in a registered family child care home or as a director or teacher associate in a center-based program for 10 or more years prior to September 1, 2016, the Commissioner for Children and Families or designee may issue a variance to the Child Development Division's rule regarding educational and experiential requirements to allow an individual to maintain employment in that same role regardless of whether the family child care provider, family child care assistant, director, or teacher associate intends to attain the otherwise necessary educational requirements. To be eligible for a variance, the family child care provider, family child care assistant, director, or teacher associate shall:

(1) work continuously in a regulated program with a full license in good standing; and

(2) meet the Divisions' educational and experiential requirements in place prior to the adoption of the new rule, which was effective beginning September 1, 2016.

(b) The Commissioner or designee shall review any violation occurring in a regulated program where a family child care provider, family child care assistant, director, or teacher associate is under variance and may revoke the variance granted by this section depending upon the seriousness and circumstances of the violation.

(c) Any variance granted under this section shall be terminated on July 1, 2024, and extensions shall not be granted beyond that date.

* * * Children's Integrated Services * * *

Sec. 10. REIMBURSEMENT RATES; PROVIDERS OF CHILDREN'S INTEGRATED SERVICES

In fiscal year 2020, \$309,714.00 is appropriated from the General Fund to the Department for Children and Families' Children's Integrated Services for the purpose of increasing reimbursement rates to providers.

* * * Effective Date * * *

Sec. 11. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 26, 2019, pages 676-679)

House Proposal of Amendment

S. 149

An act relating to miscellaneous changes to laws related to vehicles and the Department of Motor Vehicles.

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

First: By striking out Sec. 1, 23 V.S.A. § 104(a), in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 23 V.S.A. § 104(a) is amended to read:

~~(a) The records of the registration of motor vehicles, snowmobiles, and motorboats, licensing of operators and registration of dealers, all original~~

~~accident reports, and the records showing suspension and revocation of licenses and registrations and the records regarding diesel fuel, gasoline, and rental vehicle taxes shall be deemed official and public records, and shall be open to public inspection at all reasonable hours. The Commissioner shall furnish certified copies of the records to any interested person on payment of such fee as established by subdivision 114(a)(21) of this title. Notwithstanding section 114 of this title, information from the records of the Department may be made available to government agencies in the manner determined by the Commissioner and at the actual cost of furnishing the same. The records may be maintained on microfilm or electronic imaging. Any information contained in Department records is subject to and shall be released pursuant to the Driver's Privacy Protection Act, 18 U.S.C. chapter 123 as amended.~~

Second: By striking out Sec. 2, 23 V.S.A. § 114, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 23 V.S.A. § 114 is amended to read:

§ 114. FEES

(a) The Commissioner shall be paid the following fees for miscellaneous transactions:

- | | |
|---|-----------------|
| (1) Listings of 1 through 4 registrations | \$8.00 |
| (2) Certified copy of registration application | \$8.00 |
| (3) Sample plates | \$18.00 |
| (4) Lists of registered dealers, transporters, periodic inspection stations, fuel dealers, and distributors, including gallonage sold or delivered and rental vehicle companies | \$8.00 per page |
| (5) [Repealed.] | |
| (6) Periodic inspection sticker record | \$8.00 |
| (7) Certified copy individual accident crash report | \$12.00 |
| (8) Certified copy police accident crash report | \$18.00 |
| (9) Certified copy suspension notice | \$8.00 |
| (10) Certified copy mail receipt | \$8.00 |
| (11) Certified copy proof of mailing | \$8.00 |
| (12) Certified copy reinstatement notice | \$8.00 |
| (13) Certified copy operator's license application | \$8.00 |

(14) Certified copy three-year operating record	\$14.00
(15) [Repealed.]	
(16) Government official photo identification card	\$6.00
(17) Listing of operator's licenses of 1 through 4	\$8.00
(18) Statistics and research	\$42.00 per hour
(19) Insurance information on crash	\$8.00
(20) Certified copy complete operating record	\$20.00
(21) Records not otherwise specified	\$8.00 per page
(22) List of title records and related data elements excluding any personally identifiable information—initial computer programming <u>Public records request for Department records requiring custom computer programming</u>	\$5,331.00 <u>\$100.00 per hour, but not less than \$500.00</u>
(23) List of title records and related data elements excluding any personally identifiable information—record set on electronic media <u>Public records request for Department records requiring custom computer programming (updated)</u>	 <u>\$119.00</u>

(b) The Commissioner shall furnish the items listed in subsection (a) of this section ~~only~~ upon a request ~~which~~ that completely identifies the information sought ~~or pursuant to a contract with an outside entity for purposes permitted under law, including the Driver's Privacy Protection Act, 18 U.S.C. chapter 123 as amended.~~ For purposes of this subsection, a request that completely identifies the information sought for individuals an individual shall mean name and date of birth, and for vehicles it a vehicle shall mean either the registration number or the vehicle identification number.

Third: By striking out Sec. 16, 23 V.S.A. chapter 41, in its entirety and inserting in lieu thereof a new Sec. 16 to read as follows:

Sec. 16. 23 V.S.A. chapter 41 is added to read:

CHAPTER 41. AUTOMATED VEHICLE TESTING

§ 4201. SHORT TITLE

This chapter may be cited as the Automated Vehicle Testing Act.

§ 4202. DEFINITIONS

As used in this chapter:

(1) “Automated driving system” means the hardware and software that are collectively capable of performing the entire dynamic driving task within its operational design domain, if any, including achieving a minimal risk condition, without any intervention or supervision by a conventional human driver.

(2) “Automated vehicle” means a motor vehicle that is equipped with an automated driving system.

(3) “Automated vehicle tester” or “tester” means an individual, company, public agency, or other organization that is testing automated vehicles on public highways in this State pursuant to this chapter including an automated vehicle manufacturer, municipal or State agency, institution of higher education, fleet service provider, or automotive equipment or technology provider.

(4) “Conventional human driver” means an individual who manually engages in-vehicle braking, accelerating, steering, and transmission gear selection input devices in order to operate a vehicle.

(5) “Dynamic driving task” means all the real-time operational and tactical functions required to operate a vehicle in on-road traffic within its specific operational design domain, if any, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints.

(6) “Highly automated vehicle” means a vehicle equipped with an automated driving system capable of performing all aspects of the dynamic driving task within its operational design domain, if any, including achieving a minimal risk condition, without any intervention or supervision by a conventional human driver.

(7) “Manufacturer” means an individual or company that designs, produces, or constructs vehicles or equipment. Manufacturers include original equipment manufacturers (OEMs), multiple and final stage manufacturers, individuals or companies making changes to a completed vehicle before first retail sale or deployment (upfitters), and modifiers (individuals or companies making changes to existing vehicles after first retail sale or deployment).

(8) “Minimal risk condition” means a condition in which an automated vehicle operating without a human driver, upon experiencing a failure of its automated driving system that renders the automated vehicle unable to perform the dynamic driving task, achieves a reasonably safe state that may include bringing the automated vehicle to a complete stop.

(9) “Operational design domain” means a description of the specific domain or domains in which an automated driving system is designed to properly operate, including types of roadways, ranges of speed, weather, time of day, and environmental conditions.

(10) “Operator” means an individual employed by or under contract with an automated vehicle tester who has successfully completed the tester’s training on safe driving and the capabilities and limitations of the automated vehicle and automated driving system, can take immediate manual or remote control of the automated vehicle being tested, is 21 years of age or older, and holds an operator’s license for the class of vehicle being tested.

(11) “Public highway” means a State or municipal highway as defined in 19 V.S.A. § 1(12).

§ 4203. TESTING OF AUTOMATED VEHICLES ON PUBLIC HIGHWAYS

(a) An automated vehicle shall not be operated on public highways for testing until the Traffic Committee as defined in 19 V.S.A. § 1(24) approves a permit application for automated vehicle testers that defines the geographic scope and operational design domain for the test and demonstrates the ability of the automated vehicle tester to comply with the requirements of this section.

(b) Prior to approving a permit application, the Traffic Committee will conduct a hearing to provide for comments from the public. Legislative bodies of the municipalities where an automated vehicle will be tested shall be notified by the Traffic Committee 60 calendar days prior to the Traffic Committee hearing when the geographic scope of the test includes State highways or Class 1, 2, 3, or 4 Town Highways, as classified pursuant to 19 V.S.A. § 302, within the geographic boundaries of the municipality.

(c) The Traffic Committee is authorized to approve the testing of automated vehicles on:

(1) All State highways and Class 1 Town Highways.

(2) Class 2, 3, and 4 Town Highways within the geographic boundaries of municipalities that have preapproved testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality as of the date the permit application for automated vehicle testing is filed. A municipality may immediately revoke its preapproval of automated vehicle testing by notifying the Secretary of Transportation in writing that it no longer wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality.

(d) The Agency of Transportation's Automated Vehicle Testing Guide shall include a list of municipalities that have preapproved testing of automated vehicles and shall update the Automated Vehicle Testing Guide within 10 business days after a municipality notifies the Secretary of Transportation in writing that it now wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality or no longer wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality.

(e) The Traffic Committee has the sole authority to approve specific test permit applications. Municipal approval of specific testing permits is not required. Notwithstanding subdivision (c)(2) of this section, after a test permit has been approved by the Traffic Committee, all modifications to the operational design domain or other permit conditions, including changes affecting town highways in a preapproved testing municipality, requires approval by the Traffic Committee.

(f) Before a test commences, the Traffic Committee shall make approved automated vehicle test permits readily available to law enforcement and municipalities within the geographic scope of the operational design domain designated in the permit.

(g) The automated vehicle tester shall submit a report to the Traffic Committee annually, until all testing ceases, summarizing results and observations related to safety, traffic operations, interaction with roadway infrastructure, comments from the public, and any other relevant matters.

(h) An automated vehicle tester shall not test an automated vehicle on a public highway unless:

(1) The operator is:

(A) seated in the driver's seat of the automated vehicle;

(B) monitoring the operation of the automated vehicle; and

(C) capable of taking immediate manual control of such automated vehicle.

(2) The automated vehicle tester:

(A) registers each automated vehicle to be tested with the Commissioner pursuant to chapter 7 of this title;

(B) submits to the Commissioner, in a manner and form directed by the Commissioner, proof of liability insurance, self-insurance, or a surety bond of at least five million dollars for damages by reason of bodily injury, death, or property damage caused by an automated vehicle while engaged in automated vehicle testing;

(C) has established and enforces a zero-tolerance policy for drug and alcohol use by operators while engaged in automated vehicle testing. The policy shall include provisions for investigations of alleged policy violations and the suspension of drivers under investigation; and

(D) has conducted background checks for all operators pursuant to section 751 of this title, which may be inspected by the Commissioner of Motor Vehicles or designee pursuant to section 752 of this title.

(3) The operator and automated vehicle tester:

(A) comply with applicable standards established by the National Highway Traffic Safety Administration regarding the testing of automated vehicles or are capable of providing proof of exemptions or waivers to such standards;

(B) report to the Agency of Transportation and the applicable law enforcement agency within 72 hours after any motor vehicle crash involving the testing of the automated vehicle that results in personal injury or property damage; and

(C) satisfy any other requirements and permit conditions as determined by the Traffic Committee as necessary to ensure the safe operation of such automated vehicles.

(i) An automated vehicle testing permit may be voided and invalidated for the trip by a law enforcement officer who determines there is a violation of any condition specified in the terms of the automated vehicle test permit or that the continuation of the trip would be unsafe.

(j) An automated vehicle testing permit may be suspended or revoked by the Traffic Committee if, after the opportunity for a hearing, the Traffic Committee determines that there is a violation of any condition or conditions specified in the terms of the automated vehicle test permit that warrants the suspension or revocation of the testing permit or that the continuation of the testing would be unsafe.

(k) Operating or testing in violation of a suspension or revocation order shall be a traffic violation for which there shall be a penalty of not more than \$1,000.00.

(l) Test vehicles must be capable of operating in compliance with applicable traffic and motor vehicle laws of this State, subject to this subchapter.

(m) An individual shall not operate, attempt to operate, or be in actual physical control of an automated vehicle being tested on a public highway when the individual's blood alcohol concentration is 0.02 or more.

(n) An automated vehicle being tested on a public highway shall be clearly identifiable by the public.

Fourth: By striking out Sec. 18, automated vehicle testing implementation, in its entirety and inserting in lieu thereof a new Sec. 18 to read as follows:

Sec. 18. AUTOMATED VEHICLE TESTING IMPLEMENTATION

(a) As soon as practicable, but not later than January 1, 2021, the Agency of Transportation, in consultation with Vermont's Regional Planning Commissions, shall identify which legislative bodies of municipalities in the State have approved the testing of automated vehicles on the Class 2, 3, and 4 Town Highways, as classified pursuant to 19 V.S.A. § 302, within the geographic boundaries of the municipality.

(b) As soon as practicable, but not later than January 1, 2021, the Agency of Transportation shall publish an Automated Vehicle Testing Guide and application form to support review by the Traffic Committee and consistent with the requirements of 23 V.S.A. § 4203 as added in Sec. 16 of this act, including that the Automated Vehicle Testing Guide include a list of municipalities that have preapproved testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality and be updated whenever a new municipality wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality or a municipality no longer wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality.

(c) The Agency of Transportation may adopt rules to implement the provisions of 23 V.S.A. chapter 41 as added in Sec. 16 of this act.

Fifth: By striking out Sec. 23, 23 V.S.A. § 631, in its entirety and inserting in lieu thereof a new Sec. 23 to read as follows:

Sec. 23. 23 V.S.A. § 631 is amended to read:

§ 631. REQUIREMENTS; RULES

(a) The Commissioner may adopt rules pursuant to 3 V.S.A. chapter 25 governing the examination of new applicants for ~~operators~~^{operator's} licenses and may prescribe ~~what shall be requisite~~ requirements to obtain or hold a license or learner's permit, by either a new or renewal applicant, as to driving experience, mental and physical qualifications, and any other matter or thing

~~which that~~, in his or her judgment, will contribute to the selection of safe and efficient operators.

(b) Any written forms, applications, or tests used by the Department of Motor Vehicles for operator licensing shall be translated into primary languages of nations from which individuals assisted by the U.S. Committee for Refugees and Immigrants Vermont in the prior 10 years hail, as determined on an annual basis by the Department in consultation with the U.S. Committee for Refugees and Immigrants Vermont, and available at all Department locations and on the Department's website if the English version is available. Nothing in this subsection is intended to require the Department to translate any educational manuals.

Sixth: By striking out Sec. 25, 23 V.S.A. § 4108, in its entirety and inserting in lieu thereof a new Sec. 25 to read as follows:

Sec. 25. [Deleted.]

Seventh: By striking out Sec. 28, effective dates, and its accompanying reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * Colored Signal Lamps * * *

Sec. 28. 23 V.S.A. § 1252 is amended to read:

§ 1252. ISSUANCE OF PERMITS FOR SIRENS OR COLORED LAMPS,
OR BOTH; USE OF AMBER LAMPS

(a) When satisfied as to the condition and use of the vehicle, the Commissioner shall issue and may revoke, for cause, permits for sirens ~~or~~ and colored signal lamps in the following manner:

(1) Sirens, ~~or blue or blue and signal lamps, red signal lamps,~~ white signal lamps, or a combination ~~of these thereof,~~ may be authorized for all law enforcement vehicles owned or leased by a law enforcement agency, a certified law enforcement officer, or the Vermont Criminal Justice Training Council. If the applicant is a constable, the application shall be accompanied by a certification by the town clerk that the applicant is the duly elected or appointed constable and attesting that the town has not voted to limit the constable's authority to engage in enforcement activities under 24 V.S.A. § 1936a.

(2) Sirens and red or red and white signal lamps may be authorized for all ambulances, ~~fire apparatus and other emergency medical service (EMS) vehicles,~~ vehicles owned or leased by a fire department, vehicles used solely in rescue operations, or vehicles owned or leased by, or provided to, volunteer

firefighters and voluntary rescue squad members, including a vehicle owned by a volunteer's employer when the volunteer has the written authorization of the employer to use the vehicle for emergency fire or rescue activities. A single blue signal lamp may be authorized for all ambulances, other EMS vehicles, and vehicles owned or leased by a fire department or rescue squad organization, provided that the Commissioner shall require the lamp to be mounted so as to be visible primarily from the rear of the vehicle.

(3) No vehicle may be authorized a permit for more than one of the combinations described in subdivisions (1) and (2) of this subsection.

(4) No motor vehicle, other than one owned by the applicant, shall be issued a permit until the Commissioner has recorded the information regarding both the owner of the vehicle and the applicant for the permit.

(5) Upon application to the Commissioner, the Commissioner may issue a single permit for all the vehicles owned or leased by the applicant.

(6) Sirens and red or red and white signal lamps, or sirens and blue or blue and white signal lamps, may be authorized for restored emergency or enforcement vehicles used for exhibition purposes. Sirens and lamps authorized under this subdivision may only be activated during an exhibition, such as a car show or parade.

(b) Amber signal lamps shall be used on road maintenance vehicles, service vehicles, and wreckers and shall be used on all registered snow removal equipment when in use removing snow on public highways and the amber lamps shall be mounted so as to be visible from all sides of the motor vehicle. ~~A vehicle equipped with an amber signal lamp may not be issued a permit for the installation and use of a siren.~~

* * * Junior Operator Use of Portable Electronic Devices * * *

Sec. 29. 23 V.S.A. § 1095a(d) is added to read:

(d)(1) A person who violates this section commits a traffic violation as defined in section 2302 of this title and shall be subject to a civil penalty of not less than \$100.00 and not more than \$200.00 for a first violation, and of not less than \$250.00 and not more than \$500.00 for a second or subsequent violation within any two-year period.

(2) A person convicted of violating this section while operating within the following areas shall have four points assessed against his or her driving record for a first conviction and five points assessed for a second or subsequent conviction:

(A) a properly designated work zone in which construction, maintenance, or utility personnel are present; or

(B) a school zone marked with warning signs conforming to the Manual on Uniform Traffic Control Devices.

(3) A person convicted of violating this section outside the areas designated in subdivision (2) of this subsection shall have two points assessed against his or her driving record.

Sec. 29a. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Unless the assessment of points is waived by a Superior judge or a Judicial Bureau hearing officer in the interests of justice and in accordance with subsection 2501(b) of this title, a person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

(1) Two points assessed for:

* * *

(LL)(i) § 1095.

Entertainment picture visible to operator;

(ii) § 1095a(d)(3).

Junior operator use of portable electronic device outside work or school zone;

(iii) § 1095b(c)(3).

Use of portable electronic device outside work or school zone;

* * *

(3) Four points assessed for:

* * *

(E) § 1095a(d)(2).

Junior operator use of portable electronic device in work or school zone—first offense;

(F) § 1095b(c)(2).

Use of portable electronic device in work or school zone—first offense;

(4) Five points assessed for:

* * *

- (D) § 1095a(d)(2). Junior operator use of portable electronic device in work or school zone—second and subsequent offenses;
- (E) § 1095b(c)(2). Use of portable electronic device in work or school zone—second and subsequent offenses;
- * * *

* * * Master License Agreement Study * * *

Sec. 30. STUDY ON THE AGENCY OF TRANSPORTATION’S USE OF MASTER LICENSE AGREEMENTS AND ALTERNATIVE OPTIONS

The Agency of Transportation, in consultation with the Vermont League of Cities and Towns, shall report back to the House and Senate Committees on Transportation on or before November 15, 2019 concerning the use and contents of master license agreements and other agreements or contracts by the Agency of Transportation when a municipality, utility, or other person needs to use the right-of-way for the line of railroad owned by the State. The report shall include the history of the Agency’s use of master license agreements and other agreements or contracts, including the contents thereof; alternatives to the use of such agreements; whether a municipality or municipal operated utility can secure sufficient insurance coverage to enter into the Agency’s current iteration of the standard conditions to the master license agreement it uses when a municipality, utility, or other person needs to use the right-of-way for the line of railroad owned by the State; and what other states do when a municipality, utility, or other person needs to use the right-of-way for any state-owned railroad lines.

* * * Safety Belts * * *

Sec. 31. 23 V.S.A. § 1259 is amended to read:

§ 1259. SAFETY BELTS; PERSONS AGE 18 YEARS OF AGE OR OVER

* * *

~~(e) This section may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for another suspected traffic violation. An operator shall not be subject to the penalty established in this section unless the operator is required to pay a penalty for the primary violation. [Repealed.]~~

(f) The penalty for violation of this section shall be as follows:

- (1) ~~\$25.00~~ \$0.00 for a first violation;

- (2) ~~\$50.00~~ \$25.00 for a second violation;
- (3) \$50.00 for a third violation; and
- (4) \$100.00 for ~~third~~ fourth and subsequent violations.

Sec. 31a. REPORTING BY THE DEPARTMENT OF MOTOR VEHICLES

The Vermont Criminal Justice Training Council, in consultation with law enforcement agencies, shall submit a written report to the House and Senate Committees on Transportation and on Judiciary on or before the 15th day of January in 2022, 2023, and 2024 containing, for the prior State fiscal year:

(1) the total number of traffic stops broken out by race of the driver involved in the traffic stop; and

(2) the following information for all traffic stops involving safety belts not worn by persons 18 years of age or over:

(A) the age, gender, and race of the driver involved in the traffic stop;

(B) the reason for the traffic stop;

(C) the type of search conducted, if any;

(D) the evidence located, if any;

(E) the outcome of the traffic stop, including whether:

(i) a written warning was issued,

(ii) a citation for a civil ticket was issued;

(iii) a citation or arrest for a misdemeanor or a felony occurred; or

(iv) no subsequent action was taken;

(F) summary data broken out by age, gender, race, and outcome of the traffic stop where the reason for the stop was the primary enforcement of a person 18 years of age or over not wearing a safety belt; and

(G) summary data broken out by age, gender, race, and outcome of the traffic stop where the reason for the stop was for any reason other than the primary enforcement of a person 18 years of age or over not wearing a safety belt.

* * * Motor Vehicle Registrations * * *

Sec. 32. 23 V.S.A. § 307 is amended to read:

§ 307. CARRYING OF REGISTRATION CERTIFICATE; REPLACEMENT AND CORRECTED CERTIFICATES

(a) A person shall not operate a motor vehicle nor draw a trailer or semi-trailer unless all required registration certificates are carried in some easily accessible place in the motor vehicle.

(b) In case of the loss, mutilation, or destruction of a certificate, the owner of the vehicle described in it shall forthwith notify the Commissioner and remit a fee of \$16.00, upon receipt of which the Commissioner shall furnish the owner with a duplicate certificate.

(c) A corrected registration certificate shall be furnished by the Commissioner upon request and receipt of a fee of \$16.00.

(d) An operator cited for violating subsection (a) of this section with respect to a pleasure car, motorcycle, or truck that could be registered for less than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if he or she is cited within the 14 days following the expiration of the motor vehicle's registration.

Sec. 33. 23 V.S.A. § 511 is amended to read:

§ 511. MANNER OF DISPLAY

(a) A motor vehicle operated on any highway shall have displayed in a conspicuous place either one or two number plates as the Commissioner may require. Such number plates shall be furnished by the Commissioner and shall show the number assigned to such vehicle by the Commissioner. If only one number plate is furnished, the same shall be securely attached to the rear of the vehicle. If two are furnished, one shall be securely attached to the rear and one to the front of the vehicle. The number plates shall be kept entirely unobscured, and the numerals and the letters thereon shall be plainly legible at all times. They shall be kept horizontal, shall be so fastened as not to swing, excepting however, there may be installed on a motor truck or truck tractor a device which would, upon contact with a substantial object, permit the rear number plate to swing toward the front of the vehicle, provided such device automatically returns the number plate to its original rigid position after contact is released, and the ground clearance of the lower edges thereof shall be established by the Commissioner pursuant to the provisions of 3 V.S.A. chapter 25.

(b) A registration validation sticker shall be unobstructed, and shall be affixed as follows:

(1) for vehicles issued registration plates with dimensions of approximately 12 × 6 inches, in the lower right corner of the rear registration plate; and

(2) for vehicles issued a registration plate with a dimension of approximately 7 × 4 inches, in the upper right corner of the rear registration plate.

(c) A person shall not operate a motor vehicle unless number plates and a validation sticker are displayed as provided in this section.

(d) An operator cited for violating subsection (c) of this section with respect to failure to display a validation sticker on a pleasure car, motorcycle, or truck that could be registered for less than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if he or she is cited within the 14 days following the expiration of the motor vehicle's registration.

* * * Motor Vehicle Inspections * * *

Sec. 34. 23 V.S.A. § 1222(c) is amended to read:

(c) A person shall not operate a motor vehicle unless it has been inspected as required by this section and has a valid certification of inspection affixed to it. A person shall be subject to a ~~fine~~ civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if he or she is cited for a violation of this section within the 14 days following expiration of the motor vehicle inspection sticker. The month of next inspection for all motor vehicles shall be shown on the current inspection certificate affixed to the vehicle.

* * * Effective Dates * * *

Sec. 35. EFFECTIVE DATES

(a) This section and Secs. 26 (Department of Motor Vehicles training), 27 (translated documents and use of interpreters implementation), and 30 (master license agreement study) shall take effect on passage.

(b) Secs. 23 (written forms) and 24 (examination required) shall take effect on July 1, 2020.

(c) All other sections shall take effect on July 1, 2019.

CONCURRENT RESOLUTIONS FOR NOTICE

Concurrent Resolutions For Notice Under Joint Rule 16

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration should be communicated to the Secretary's Office.

H.C.R. 154 - 164 (For text of Resolutions, see Addendum to House Calendar for May 2, 2019)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Lindsay H. Kurrle of Middlesex – Commissioner, Department of Labor – By Sen. Clarkson for the Committee on Economic Development, Housing and General Affairs. (5/1/19)

Sarah Squirrell of Waterbury Center – Commissioner, Department of Mental Health (term 1/1/19 – 2/28/19) – By Sen. Cummings for the Committee on Health and Welfare. (5/1/19)

Sarah Squirrell of Waterbury Center – Commissioner, Department of Mental Health (term 3/1/19 – 2/28/21) – By Sen. Cummings for the Committee on Health and Welfare. (5/1/19)

Kenneth A. Schatz of South Burlington – Commissioner, Department for Children and Families – By Sen. Ingram for the Committee on Health and Welfare. (5/3/19)

Mona Abdelghani of White River Junction – Member, Children and Family Council for Prevention Programs – By Sen. McCormack for the Committee on Health and Welfare. (5/1/19)

Brenda A. Cruickshank of Northfield – Member, Human Services Board – By Sen. McCormack for the Committee on Health and Welfare. (5/1/19)

Susan Harritt of Jericho – Member, Human Services Board – By Sen. Lyons for the Committee on Health and Welfare. (5/1/19)

Rick A. Hildebrant of Clarendon – Member, Board of Medical Practice – By Sen. McCormack for the Committee on Health and Welfare. (5/1/19)

Allyson Laackman of Burlington – Member, Vermont Housing and Conservation Board – By Sen. Clarkson for the Committee on Economic Development, Housing and General Affairs. (5/1/19)

Leo LeCours of Jericho – Member, Board of Medical Practice – By Sen. McCormack for the Committee on Health and Welfare. (5/1/19)

Morgan Manning of Johnson – Member, Children and Family Council for Prevention Programs – By Sen. Westman for the Committee on Health and Welfare. (5/1/19)

Dale Miller of Colchester – Member, State Workforce Development Board – By Sen. Clarkson for the Committee on Economic Development, Housing and General Affairs. (5/1/19)

Robert E. Tortolani of Brattleboro – Member, Board of Medical Practice – By Sen. McCormack for the Committee on Health and Welfare. (5/1/19)

Alan Willard of Woodstock – Member, State Labor Relations Board – By Sen. Clarkson for the Committee on Economic Development, Housing and General Affairs. (5/1/19)

Mike Donohue of Shelburne – Member, Human Services Board – By Sen. Ingram for the Committee on Health and Welfare. (5/3/19)

Regine Ewins of Charlotte – Member, Board of Libraries – By Sen. Hardy for the Committee on Education. (5/3/19)

Kimberly Gleason of Essex Junction – Member, State Board of Education – By Sen. Ingram for the Committee on Education. (5/3/19)

Elizabeth Morris of Richmond – Member, Children and Family Council for Prevention Programs – By Sen. Lyons for the Committee on Health and Welfare. (5/3/19)

Gillian Stearns-Parr of South Burlington – Member, Board of Medical Practice – By Sen. Ingram for the Committee on Health and Welfare. (5/3/19)

PUBLIC HEARINGS

May 8, 2019 - 5:00 - 7:00 P.M. - Room 11 - Re: Proposal 2 - Declaration of Rights: Clarifying the prohibition on slavery and indentured servitude - House Committee on Government Operations.