

Senate Calendar

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ACTION CALENDAR

UNFINISHED BUSINESS OF FRIDAY, MAY 3, 2019

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)

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. ~~Completely identifying~~ 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.

UNFINISHED BUSINESS OF MONDAY, MAY 6, 2019

Second Reading

Favorable with Proposal of Amendment

H. 13.

An act relating to miscellaneous amendments to alcoholic beverage and tobacco laws.

Reported favorably with recommendation of proposal of amendment by Senator Clarkson for the Committee on Economic Development, Housing and General Affairs.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 3, 7 V.S.A. § 64, after “who intentionally removes or defaces the label attached to a keg shall be” by striking out “imprisoned not more than ~~two years~~ one year or”, and after “fined not more than \$1,000.00” by striking out “, or both”.

Second: By striking out Sec. 15, 7 V.S.A. § 1005, in its entirety and inserting in lieu thereof a new Sec. 15 to read as follows:

Sec. 15. [Deleted.]

Third: By striking out Sec. 45, effective date, and its reader assistance heading in their entirety and inserting in lieu thereof new Secs. 45–47 and their respective reader assistance headings to read as follows:

* * * Tax on Spirits and Fortified Wines * * *

Sec. 45. 7 V.S.A. § 422 is amended to read:

§ 422. TAX ON SPIRITS AND FORTIFIED WINES

(a) A tax of five percent is assessed on the gross revenue from the sale of spirits and fortified wines in the State of Vermont by the Board of Liquor and Lottery or the retail sale of spirits and fortified wines in Vermont by a manufacturer or rectifier of spirits or fortified wines, in accordance with the provisions of this title. ~~The tax shall be at the following rates based on the gross revenue of the retail sales by the seller in the current year:~~

~~(1) if the gross revenue of the seller is \$500,000.00 or lower, the rate of tax is five percent;~~

~~(2) if the gross revenue of the seller is between \$500,000.00 and \$750,000.00, the rate of tax is \$25,000.00 plus 10 percent of the gross revenues over \$500,000.00;~~

~~(3) if the gross revenue of the seller is \$750,000.00 or more, the rate of tax is 25 percent.~~

* * *

* * * Board of Liquor and Lottery; Duties * * *

Sec. 46. 7 V.S.A. § 104 is amended to read:

§ 104. DUTIES; AUTHORITY TO RESOLVE ALLEGED VIOLATIONS

The Board shall supervise and manage the sale of spirits and fortified wines within the State in accordance with the provisions of this title, and through the Commissioner of Liquor and Lottery shall:

* * *

(13) Set and periodically revise the prices for spirits and fortified wines sold in Vermont in a manner that is designed to ensure that the Department generates revenue for the State that is equal to or greater than the revenue generated by the Department during the prior fiscal year.

* * * Effective Date * * *

Sec. 47. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 19, 2019, pages 429-449)

Reported favorably by Senator Sirotkin for the Committee on Finance.

The Committee recommends that the bill be amended as recommended by the Committee on Committee on Economic Development, Housing and General Affairs and when so amended ought to pass.

(Committee vote: 5-1-1)

NEW BUSINESS

Second Reading

Favorable with Proposal of Amendment

H. 47.

An act relating to the taxation of electronic cigarettes.

Reported favorably with recommendation of proposal of amendment by Senator Sirotkin for the Committee on Finance.

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. 32 V.S.A. § 7702(15) is amended to read:

(15) “Other tobacco products” means any product manufactured from, derived from, or containing tobacco that is intended for human consumption by smoking, chewing, or in any other manner, including products sold as a tobacco substitute, as defined in 7 V.S.A. § 1001(8), and including any liquids, whether nicotine based or not, or delivery devices sold separately for use with a tobacco substitute; but shall not include cigarettes, little cigars, roll-your-own tobacco, snuff, or new smokeless tobacco as defined in this section, or marijuana-related supplies sold by a dispensary registered under 18 V.S.A. chapter 86.

Sec. 2. 7 V.S.A. § 1001(8) is amended to read:

(8) “Tobacco substitute” means products, including electronic cigarettes or other electronic or battery-powered devices, that contain and are designed to deliver nicotine or other substances into the body through the inhalation of vapor and that have not been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes. Products that have been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes, or marijuana-related supplies sold by a dispensary registered under 18 V.S.A. chapter 86, shall not be considered to be tobacco substitutes.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee vote: 7-0-0)

(No House amendments)

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)

Reported favorably by Senator Starr for the Committee on Appropriations.

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

(Committee vote: 6-0-1)

H. 518.

An act relating to fair and impartial policing.

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

The Committee recommends that the Senate propose to the House to amend the bill by striking out Sec. 2 in its entirety and inserting in lieu thereof the following:

Sec. 2. JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE;
CIVIL RIGHTS WORKING GROUP; REPORT

(a) During the 2019 legislative interim, the Office of the Attorney General shall convene and facilitate a working group of representatives from the Human Rights Commission, the Vermont chapter of the American Civil Liberties Union, the Criminal Justice Training Council, Migrant Justice, the Vermont Police Association, the Vermont Sheriffs' Association, the Vermont Association of Chiefs of Police, and the Vermont State Police. The working group shall collaboratively establish an outreach and education strategy to inform Vermonters of the resources available to protect civil rights pursuant to State laws that prohibit discrimination, including the right to file a complaint with the Human Rights Commission, the Civil Rights Unit of the Office of the Attorney General, law enforcement agencies, and the Criminal Justice Training Council.

(b) On or before November 1, 2019, the working group established pursuant to this section shall report to the Joint Legislative Justice Oversight Committee and the House and Senate Committees on Judiciary and on Government Operations on their work pursuant to subsection (a) of this section and recommendations for legislative action to protect marginalized populations in Vermont.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

(No House amendments)

H. 527.

An act relating to Executive Branch and Judicial Branch fees.

Reported favorably with recommendation of proposal of amendment by Senator Cummings for the Committee on Finance.

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:

* * * Department of Financial Regulation * * *
* * * Financial and Related Services; Licensees * * *

Sec. 1. 8 V.S.A. chapter 72 is added to read:

CHAPTER 72. GENERAL PROVISIONS

§ 2102. APPLICATION FOR LICENSE

(a) Application for a license or registration shall be in writing, under oath, and in the form prescribed by the Commissioner, and shall contain the legal name, any fictitious name or trade name, and the address of the residence and place of business of the applicant, and if the applicant is a partnership or an association, of every member thereof, and if a corporation, of each officer and director thereof; also the county and municipality with street and number, if any, where the business is to be conducted and such further information as the Commissioner may require.

(b) At the time of making an application, the applicant shall pay to the Commissioner a fee for investigating the application and a license or registration fee for a period terminating on the last day of the current calendar year. The following fees are imposed on applicants:

(1) For an application for a lender license under chapter 73 of this title,

\$1,000.00 as a license fee and \$1,000.00 as an application and investigation fee for the initial license. For each additional lender license from the same applicant, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(2) For an application for a lender license under chapter 73 of this title for a lender only making commercial loans, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(3) For an application for a mortgage broker license under chapter 73 of this title, other than a mortgage broker that meets each of the requirements of subdivisions (b)(4)(A)–(B) of this section, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(4) For an application for a mortgage broker license under chapter 73 of this title that meets each of the following requirements, \$250.00 as a license fee and \$250.00 as an application and investigation fee:

(A) the applicant is an individual sole proprietor; and

(B) no person, other than the applicant, shall be authorized to act as a mortgage broker under the applicant's license.

(5) For an application for a mortgage loan originator license under chapter 73 of this title, \$50.00 as a license fee and \$50.00 as an application and investigation fee.

(6) For an application for a sales finance company license under chapter 73 of this title, \$350.00 as a license fee and \$350.00 as an application and investigation fee.

(7) For an application for a loan solicitation license under chapter 73 of this title, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(8) For an application for any combination of lender license under chapter 73 of this title, mortgage broker license under chapter 73 of this title, loan solicitation license under chapter 73 of this title, or loan servicer license under chapter 85 of this title, \$1,500.00 as a license fee and \$1,500.00 as an application and investigation fee.

(9) For an application for a consumer litigation funding company registration under chapter 74 of this title, \$200.00 as a registration fee and \$300.00 as an application and investigation fee.

(10) For an application for a money transmission license under chapter 79 of this title, \$1,000.00 as a license fee, \$1,000.00 as an application and investigation fee, and \$25.00 as a license fee for each authorized delegate

location.

(11) For an application for a check cashing and currency exchange license under chapter 79 of this title, \$500.00 as a license fee and \$500.00 as an application and investigation fee.

(12) For an application for a debt adjuster license under chapter 83 of this title, \$250.00 as a license fee and \$500.00 as an application and investigation fee.

(13) For an application for a loan servicer license under chapter 85 of this title, \$1,000.00 as a license fee and \$1,000.00 as an application and investigation fee.

§ 2109. ANNUAL RENEWAL OF LICENSE

(a) On or before December 1 of each year, every licensee shall renew its license or registration for the next succeeding calendar year and shall pay to the Commissioner the applicable renewal of license or registration fee. At a minimum, the licensee or registree shall continue to meet the applicable standards for licensure or registration. At the same time, the licensee or registree shall maintain with the Commissioner any required bond in the amount and of the character as required by the applicable chapter. The annual license or registration renewal fee shall be:

(1) For a lender license under chapter 73 of this title, \$1,200.00.

(2) For a lender license under chapter 73 of this title for a lender only making commercial loans, \$500.00.

(3) For a mortgage broker license under chapter 73 of this title, other than a mortgage broker that meets each of the requirements of subdivisions (4)(A)–(C) of this section, \$500.00.

(4) For a mortgage broker license under chapter 73 of this title that meets each of the following requirements, \$250.00:

(A) the mortgage broker license is held by an individual sole proprietor;

(B) no person, other than the individual sole proprietor, shall be authorized to act as a mortgage broker under this license; and

(C) the mortgage broker originated five or fewer loans within the last calendar year.

(5) For a mortgage loan originator license under chapter 73 of this title, \$100.00.

(6) For a sales finance company license under chapter 73 of this title, \$350.00.

(7) For a loan solicitation license under chapter 73 of this title, \$500.00.

(8) For any combination of lender license under chapter 73 of this title, mortgage broker license under chapter 73 of this title, loan solicitation license under chapter 73 of this title, or loan servicer license under chapter 85 of this title, \$1,700.00.

(9) For a consumer litigation funding company registration under chapter 74 of this title, \$200.00.

(10) For a money transmission license under chapter 79 of this title, \$1,000.00, plus an annual renewal fee of \$25.00 for each authorized delegate, provided that the total renewal fee of all authorized delegate locations shall not exceed \$3,500.00.

(11) For a check cashing and currency exchange license under chapter 79 of this title, \$500.00.

(12) For a debt adjuster license under chapter 83 of this title, \$250.00.

(13) For a loan servicer license under chapter 85 of this title, \$1,000.00.

* * * Insurance * * *
* * * Term of License * * *

Sec. 2. 8 V.S.A. § 4798 is amended to read:

§ 4798. TERM OF LICENSE

(a) Except as provided by ~~subsection~~ subsections (b) and (d) of this section, all licenses issued pursuant to this subchapter shall continue in force not longer than 24 months.

* * *

(d) Producer appointments shall expire as of 12:01 a.m. on the first day of June ~~of the odd-numbered year next~~ following the date of issuance. ~~Biennially~~ Annually, before the expiration of producer appointments, the Commissioner shall provide each insurer with an alphabetical appointment renewal list of the names for all of its producers in the State. Each insurer shall return the list and identify the producer appointments to be renewed in a manner and time specified by the Commissioner. Payment of the ~~biennial~~ annual producer appointment renewal fee, as specified in section 4800 of this title, shall be made in a manner and time specified by the Commissioner.

* * * License Requirements * * *

Sec. 3. 8 V.S.A. § 4800(2)(A) is amended to read:

(2)(A) All license applications shall be accompanied by a \$30.00 fee plus the applicable fees as follows:

* * *

(iii) Except as provided in subdivisions (I) and (II) of this subdivision, initial and biennial producer appointment fees for each qualification set forth in section 4813g of subchapter 1A of this chapter for resident and nonresident producers acting as agents of foreign insurers, ~~\$60.00~~ \$120.00:

(I) the Commissioner may charge one fee for a qualification in “property and casualty” insurance; and

(II) the Commissioner may charge one fee for a qualification in “life and accident and health or sickness” insurance.

(iv) Initial 24-month appointment and biennial renewal appointment fee for limited lines producers, ~~\$60.00~~ \$90.00.

(v) Initial 24-month license and biennial renewal fee for resident and nonresident adjusters, and appraisers licenses, ~~\$60.00~~ \$120.00, and public adjusters, \$200.00.

* * *

Sec. 3a. 8 V.S.A. § 4800(2)(A) is amended to read:

(2)(A) All license applications shall be accompanied by a \$30.00 fee plus the applicable fees as follows:

* * *

(iii) Except as provided in subdivisions (I) and (II) of this subdivision, initial and ~~biennial~~ annual producer appointment fees for each qualification set forth in section 4813g of subchapter 1A of this chapter for resident and nonresident producers acting as agents of foreign insurers, ~~\$120.00~~ \$60.00:

(I) the Commissioner may charge one fee for a qualification in “property and casualty” insurance; and

(II) the Commissioner may charge one fee for a qualification in “life and accident and health or sickness” insurance.

* * *

* * * Securities Act * * *

* * * Agents, Investment Advisers, Investment Adviser Representatives,
and Federal Covered Investment Advisors * * *

Sec. 4. 9 V.S.A. § 5410(b) is amended to read:

(b) The fee for an individual is ~~\$90.00~~ \$120.00 when filing an application for registration as an agent, ~~\$90.00~~ \$120.00 when filing a renewal of registration as an agent, and ~~\$90.00~~ \$120.00 when filing for a change of registration as an agent. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.

* * * Department of Fish and Wildlife * * *

* * * License Fees * * *

Sec. 5. 10 V.S.A. § 4255 is amended to read:

(a) Vermont residents may apply for licenses on forms provided by the Commissioner. Fees for each license shall be:

(1) Fishing license	\$26.00 <u>\$28.00</u>
(2) Hunting license	\$26.00 <u>\$28.00</u>
(3) Combination hunting and fishing license	\$42.00 <u>\$47.00</u>

* * *

(b) Nonresidents may apply for licenses on forms provided by the Commissioner. Fees for each license shall be:

(1) Fishing license	\$52.00 <u>\$54.00</u>
---------------------	-----------------------------------

* * *

(4) Hunting license	\$100.00 <u>\$102.00</u>
(5) Combination hunting and fishing license	\$138.00 <u>\$143.00</u>

* * *

* * * Lifetime Licenses * * *

Sec. 6. 10 V.S.A. § 4279(f) is amended to read:

(f) Fees for lifetime licenses shall be the appropriate multiplication factor for the child's or adult's age multiplied by the fee for the appropriate license. Appropriate license fees are those in subdivisions 4255(a)(1), (2), and (3) of this title for residents and subdivisions 4255(b)(1), (4), and (5) of this title for nonresidents. Multiplication factors are as follows:

(1) for children under 1 year of age	<u>6</u> <u>8</u>
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* * *

* * * Department of Labor * * *
* * * Workers' Compensation Fund * * *

Sec. 7. WORKERS' COMPENSATION RATE OF CONTRIBUTION

For fiscal year 2020, after consideration of the formula in 21 V.S.A. § 711(b) and historical rate trends, the General Assembly determines that the rate of contribution for the direct calendar year premium for workers' compensation insurance shall remain at the rate of 1.4 percent. The contribution rate for self-insured workers' compensation losses and workers' compensation losses of corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.

* * * Department of Motor Vehicles * * *
* * * All-Terrain Vehicles * * *

Sec. 8. 23 V.S.A. § 3504(a) is amended to read:

(a) The registration fee for all-terrain vehicles other than as provided for in subsection (b) of this section is ~~\$35.00~~ \$45.00. Duplicate registration certificates may be obtained upon payment of \$6.00 to the Department.

* * * Department of Public Service and Public Utility Commission * * *
* * * Gross Receipts Tax * * *

Sec. 9. 30 V.S.A. § 22 is amended to read:

§ 22. TAX TO FINANCE DEPARTMENT AND COMMISSION

(a) For the purpose of maintaining the Department of Public Service and Public Utility Commission, including expenses related to maintaining an adequate engineering, legal, and administrative force in the Department of Public Service and paying all the expenses incident thereof, including rents, each person, partnership, association, or private or municipal corporation conducting a business subject to the supervision of the Department of Public Service and Public Utility Commission, including electric cooperatives, shall pay into the State Treasury on or before April 15 annually, in addition to the taxes now required by law to be paid, a tax, at the rate hereinafter named, according to the nature of the public service business engaged in by such person, partnership, association, or private or municipal corporation, based on the gross operating revenue received by such person, partnership, association, or private or municipal corporation in the conduct of such business in the State during the year next preceding, as shown by the annual report filed on or before such date with the Department of Public Service on the form prescribed by it and containing such information as may be necessary to enable the

Department to determine the amount of the tax payable.

(1) The rate of tax for each type of public service company, for the purpose of maintaining the Department of Public Service, shall be the following:

(1)(A) for companies, cooperative, municipal or privately owned, generating, distributing, selling, or transmitting electric energy, ~~0.0050~~ 0.00320 of gross operating revenue;

(2)(B) for telephone companies, ~~0.0050~~ 0.003 of gross operating revenue or \$500.00 \$300.00, whichever is greater;

(3)(C) for gas companies, ~~0.0030~~ 0.00320 of gross operating revenue;

(4)(D) for water companies, ~~0.001~~ 0.0006 of gross operating revenue or \$5.00 \$3.00, whichever is greater;

(5)(E) for companies owning or operating a cable television system, ~~0.005~~ 0.003 of gross operating revenue or \$25.00 \$15.00, whichever is greater, \$25,000.00 of which shall be used each year by the Department for special planning functions relating to cable television systems;

(6)(F) for companies whose sole telephone business consists of owning customer-owned, coin-operated telephones with total annual revenues of less than \$5,000.00, the choice of either ~~0.0050~~ 0.003 of gross operating revenue from telephone revenues or the amount of \$20.00 \$12.00; and

(7)(G) for all other companies named in section 203 of this title, ~~0.001~~ 0.0006 of gross operating revenues.

(2) The rate of tax for each type of public service company, for the purpose of maintaining the Public Utility Commission, shall be the following:

(A) for companies, cooperative, municipal or privately owned, generating, distributing, selling, or transmitting electric energy, 0.00205 of gross operating revenue;

(B) for telephone companies, 0.002 of gross operating revenue or \$200.00, whichever is greater;

(C) for gas companies, 0.00205 of gross operating revenue;

(D) for water companies, 0.0004 of gross operating revenue or \$2.00, whichever is greater;

(E) for companies owning or operating a cable television system, 0.002 of gross operating revenue or \$10.00, whichever is greater;

(F) for companies whose sole telephone business consists of owning customer-owned, coin-operated telephones with total annual revenues of less than \$5,000.00, the choice of either 0.002 of gross operating revenue from telephone revenues or the amount of \$8.00; and

(G) for all other companies named in section 203 of this title, 0.0004 of gross operating revenues.

(b) The ~~tax~~ taxes levied under this section shall not apply to sales of electrical power for resale.

~~(c) Of the revenue deposited into the special fund for the maintenance of engineering and accounting forces, 40 percent shall be allocated to the Public Utility Commission and 60 percent shall be allocated to the Department of Public Service. [Repealed.]~~

~~(d)(1) On June 30 of each year, any balance in the amount allocated to received by the Public Utility Commission from the special fund for the maintenance of engineering and accounting forces, after accounting for expenditures and encumbrances, in excess of 20 percent of the Commission's allocation funds received by the Commission for that year shall be used in the manner provided by subdivision (3) of this subsection.~~

~~(2) On June 30 of each year, any balance in the amount allocated to received by the Department of Public Service from the special fund for the maintenance of engineering and accounting forces, after accounting for expenditures and encumbrances, in excess of 20 percent of the Department's allocation funds received by the Department for that year shall be used in the manner provided by subdivision (3) of this subsection.~~

* * *

* * * Certificates of Public Good for New Gas and Electric Purchases,
Investments, and Facilities * * *

Sec. 10. 30 V.S.A. § 248c is added to read:

§ 248c. FEES; DEPARTMENT OF PUBLIC SERVICE AND PUBLIC
UTILITY COMMISSION; PARTICIPATION IN CERTIFICATION
AND SITING PROCEEDINGS

(a) Establishment. This section establishes fees for the purpose of supporting the role of the Department of Public Service (Department) and the Public Utility Commission (Commission) in reviewing applications for in-state facilities under section 248 of this title. Companies that pay the gross receipts tax as provided in section 22 of this title shall not be subject to the fees established in this section.

(b) Payment. The applicant shall pay the fee into the State Treasury at the time the application for a certificate of public good is filed with the Commission in an amount calculated in accordance with this section. The fee shall be deposited into the gross revenue fund. Of the fees deposited into the gross revenue fund, 60 percent shall be allocated to the Department and 40 percent shall be allocated to the Commission.

(c) Definitions. As used in this section, “kW” and “plant capacity” have the same meaning as in section 8002 of this title.

(d) Electric and natural gas facilities. This subsection sets fees for applications under section 248 of this title.

(1) There shall be a registration fee of \$100.00 for each electric generation facility less than or equal to 50 kW in plant capacity, or for a rooftop project, or for a hydroelectric project filing a net metering registration, or for an application filed under subsection 248(n) of this title.

(2) There shall be a fee of \$25.00 for modifications for each electric generation facility less than or equal to 50 kW in plant capacity, or for a rooftop project, or for a hydroelectric project filing a net metering registration, or for an application filed under subsection 248(n) of this title.

(3) There shall be a fee for electric generation facilities that do not qualify for the lower fees in subdivisions (1) and (2) of this subsection, calculated as follows:

(A) \$5.00 per kW; and

(B) \$100.00 for modifications.

(e) Report. On or before the third Tuesday of each annual legislative session, the Department and Commission shall jointly submit a report to the General Assembly by electronic submission. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to this report. The report shall list the fees collected and refunds approved, if any, under this section and under section 248d of this title during the preceding fiscal year.

Sec. 11. 30 V.S.A. § 248d is added to read:

§ 248d. FEE REFUND

If an applicant withdraws an application and seeks a fee refund, then a written request for an application fee refund shall be submitted to the Public Utility Commission (Commission) within 90 days of the withdrawal of the application.

(1) As used in this section, “agency” means the Agency of Natural Resources, the Department of Public Service, or the Commission.

(2) In the event that an application is withdrawn before any agency has filed comments expressing a position on any part of the application, filed testimony, or filed a stipulated agreement with the Commission in the context of a certificate of public good proceeding, the Commission shall, upon request of the applicant, refund 50 percent of the fee paid to each agency above the first \$100.00; however, in no instance shall the agency retain more than \$20,000.00.

(3) In the event that an application is withdrawn after any agency has filed comments expressing a position on any part of the application, filed testimony, or filed a stipulated agreement with the Commission in the context of a certificate of public good proceeding, the Commission shall, upon request of the applicant, refund 25 percent of the fee paid to each agency above the first \$100.00.

(4) Commission decisions regarding application fee refunds may be appealed to the Vermont Supreme Court.

(5) In no event may an application fee or a portion thereof be refunded after the Commission has issued a final decision on the merits of an application, whether the decision is to grant or deny the application in whole or in part.

(6) No interest will be due or payable on any money refunded under this section.

Sec. 12. EVALUATION OF FEES

The Department of Public Service (Department), in consultation with the Public Utility Commission (Commission), shall evaluate the feasibility of using billback mechanisms to recover the costs related to reviewing applications for in-state facilities under section 248 of this title for projects that produce five megawatts or more of electricity. The Department shall, on or before January 15 of 2020, submit electronically a report to the House Committee on Ways and Means and to the House Committee on Energy and Technology with their findings.

* * * Secretary of State * * *
* * * Professional Regulation * * *

Sec. 13. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

(a) In addition to the fees otherwise authorized by law, a board or adviser profession may charge the following fees:

* * *

(4) Continuing, qualifying, or preclicensing education course approval:

(A) Provider, \$100.00.

(B) Individual, \$25.00.

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

* * *

(2) Application for licensure or certification, \$100.00, except application for:

* * *

(C) Application for real estate appraisers, \$275.00.

(D) Temporary real estate appraiser license, \$150.00.

(E) Appraisal management company registration, \$600.00.

* * *

(4) Biennial renewal, ~~\$200.00~~ \$240.00, except biennial renewal for:

* * *

(C) Physical therapists and assistants, ~~\$100.00~~ \$150.00.

* * *

(J) Appraisal management company registration, \$600.00.

(K) Radiologic therapist, radiologic technologist, nuclear medicine technologist, \$150.00.

* * *

(6) Radiologic evaluation, \$125.00.

* * *

* * * Board of Public Accountancy * * *

Sec. 14. 26 V.S.A. § 56 is amended to read:

§ 56. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for license ~~\$ 75.00~~ \$ 100.00

- (2) Biennial renewal of license ~~\$ 120.00~~ \$ 220.00
- (3) Firm registration and biennial renewal of registration ~~\$ 120.00~~ \$ 200.00

* * *

- (5) Firm biennial renewal of registration \$ 400.00
- (6) Sole proprietor firm biennial renewal of registration \$ 200.00

* * * Board of Dental Examiners * * *

Sec. 15. 26 V.S.A. § 662(a) is amended to read:

(a) Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application
 - (A) Dentist ~~\$ 225.00~~ \$ 250.00
 - (B) Dental therapist \$ 185.00
 - (C) Dental hygienist ~~\$ 150.00~~ \$ 175.00
 - (D) Dental assistant ~~\$ 60.00~~ \$ 70.00

- (2) Biennial renewal
 - (A) Dentist ~~\$ 355.00~~ \$ 575.00
 - (B) Dental therapist ~~\$ 225.00~~ \$ 270.00
 - (C) Dental hygienist ~~\$ 125.00~~ \$ 215.00
 - (D) Dental assistant ~~\$ 75.00~~ \$ 90.00

* * * Board of Professional Engineering * * *

Sec. 16. 26 V.S.A. § 1176 is amended to read:

§ 1176. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for engineering license or application to add additional specialty discipline ~~\$ 80.00~~ \$ 100.00

* * *

- (3) Biennial license renewal ~~\$ 100.00~~ \$ 150.00

* * *

* * * State Board of Nursing * * *

Sec. 17. 26 V.S.A. § 1577 is amended to read:

§ 1577. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Nursing Assistants

* * *

(B) Biennial renewal ~~\$ 45.00~~ \$ 55.00

(2) Practical Nurses and Registered Nurses

(A) Application by exam ~~\$ 60.00~~ \$ 75.00

(B) ~~Registered nurse application~~ Application by endorsement \$ 150.00

(C) Biennial renewal for Practical Nurses ~~\$ 140.00~~ \$ 175.00

(D) Biennial renewal for Registered Nurses \$ 190.00

(3) Advanced Practice Registered Nurses

(A) Initial endorsement of advanced practice registered nurses ~~\$ 75.00~~ \$ 100.00

(B) Biennial renewal of advanced practice registered nurses ~~\$ 75.00~~ \$ 125.00

* * * Board of Pharmacy * * *

* * * Licensing Fees * * *

Sec. 18. 26 V.S.A. § 2046 is amended to read:

§ 2046. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Initial application:

* * *

(C) Institutional drug outlets ~~\$ 300.00~~ \$ 400.00

(D) Manufacturing drug outlet ~~\$ 300.00~~ \$ 400.00

(E) Wholesale drug outlet ~~\$ 600.00~~ \$ 700.00

* * *

<u>(H) Outsourcing drug outlet</u>	<u>\$ 700.00</u>
<u>(I) Nuclear drug outlet</u>	<u>\$ 700.00</u>
<u>(J) Compounding drug outlet</u>	<u>\$ 700.00</u>
<u>(K) Home infusion drug outlet</u>	<u>\$ 700.00</u>
<u>(L) Third-party logistics</u>	<u>\$ 700.00</u>
<u>(M) Pharmacy interns</u>	<u>\$ 20.00</u>

(2) Biennial renewal:

(A) Pharmacists	\$ 100.00 <u>\$ 125.00</u>
(B) Retail drug outlets	\$ 300.00 <u>\$ 400.00</u>
(C) Institutional drug outlets	\$ 300.00 <u>\$ 500.00</u>
(D) Manufacturing drug outlet	\$ 300.00 <u>\$ 500.00</u>
(E) Wholesale drug outlet	\$ 300.00 <u>\$ 500.00</u>

* * *

<u>(H) Outsourcing drug outlet</u>	<u>\$ 500.00</u>
<u>(I) Nuclear drug outlet</u>	<u>\$ 500.00</u>
<u>(J) Compounding drug outlet</u>	<u>\$ 500.00</u>
<u>(K) Home infusion drug outlet</u>	<u>\$ 500.00</u>
<u>(L) Third-party logistics</u>	<u>\$ 500.00</u>
<u>(M) Pharmacy interns</u>	<u>\$ 45.00</u>

* * *

* * * Wholesale Distributors and Manufacturers * * *

Sec. 19. 26 V.S.A. § 2076(c) is amended to read:

(c) If the Board determines it is necessary to inspect a certain premises under the same ownership more than once in any two-year period, the Board may charge a reinspection fee of not more than \$100.00 \$500.00.

* * * Real Estate Commission * * *

Sec. 20. 26 V.S.A. § 2255 is amended to read:

§ 2255. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application
 - (A) Broker license ~~\$ 50.00~~ \$ 100.00
 - (B) Salesperson license ~~\$ 50.00~~ \$ 100.00
 - (C) Brokerage firm registration ~~\$ 50.00~~ \$ 200.00
 - (D) Branch office registration ~~\$ 50.00~~ \$ 200.00
- (2) Biennial renewal of broker or salesperson license ~~\$ 200.00~~ \$ 240.00
- (3) Biennial brokerage firm or branch office registration renewal ~~\$ 200.00~~ \$ 400.00

* * *

* * * Board of Radiologic Technology * * *

Sec. 21. 26 V.S.A. § 2814 is amended to read:

§ 2814. FEES

Applicants and persons regulated under this chapter shall pay ~~the following~~ fees:

- ~~(1) Application for primary licensure ~~\$ 100.00~~~~
- ~~(2) Biennial renewal

 - ~~(A) Renewal of a single primary license ~~\$ 110.00~~~~
 - ~~(B) Renewal of each additional primary license ~~\$ 15.00~~~~~~
- ~~(3) Initial competency endorsement under section 2804 of this title ~~\$ 100.00~~~~
- ~~(4) Biennial renewal of competency endorsement under section 2804 of this title ~~\$ 110.00~~~~
- ~~(5) Evaluation ~~\$ 125.00~~~~

those fees set forth in 3 V.S.A. § 125(b).

* * * Board of Allied Mental Health Practitioners * * *

* * * Clinical Mental Health Counselors * * *

Sec. 22. 26 V.S.A. § 3270a is amended to read:

§ 3270a. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for licensure ~~\$125.00~~ \$150.00

(2) Biennial renewal ~~\$150.00~~ \$200.00

* * * Board of Real Estate Appraisers * * *

Sec. 23. 26 V.S.A. § 3316 is amended to read:

§ 3316. LICENSING AND REGISTRATION FEES

~~Applicants and persons licensed under this chapter shall pay the following fees:~~

- | | |
|----------------------------------------------------------------------|---------------------|
| (1) Application | \$125.00 |
| (2) Initial license | \$150.00 |
| (3) Biennial renewal | \$200.00 |
| (4) Temporary license | \$150.00 |
| (5) Prelicensing course review | \$100.00 |
| (6) Continuing education course review | \$100.00 |
| (7) Appraiser trainee annual registration | \$100.00 |
| (8) Appraisal management company registration application | \$125.00 |
| (9) Appraisal management company registration renewal | \$400.00 |

In addition to the fees otherwise authorized by law, the Director may charge the fees for professions regulated by the Director as set forth in 3 V.S.A. § 125(b).

* * * Board of Allied Mental Health Practitioners * * *

* * * Marriage and Family Therapists * * *

Sec. 24. 26 V.S.A. § 4041a is amended to read:

§ 4041a. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- | | |
|-------------------------------|-------------------------------------|
| (1) Application for licensure | \$125.00 <u>\$150.00</u> |
| (2) Biennial renewal | \$150.00 <u>\$250.00</u> |

* * * Roster of Psychotherapists Who Are Nonlicensed
and Noncertified * * *

Sec. 25. 26 V.S.A. § 4089a is amended to read:

§ 4089a. FEES

A person who seeks entry on the roster shall pay the following fees:

(1) Initial roster entry ~~\$75.00~~ \$80.00

(2) Biennial roster reentry ~~\$90.00~~ \$150.00

* * * Electrologists * * *

Sec. 26. 26 V.S.A. § 4412 is amended to read:

§ 4412. FEES

In addition to examination fees, applicants and licensees regulated under this chapter shall be subject to the fees set forth in 3 V.S.A. § 125(b) ~~and the following fees:~~

(1) ~~Initial electrology office license \$100.00;~~

(2) ~~Biennial office license renewal \$ 50.00.~~

* * * Judiciary * * *

* * * Supreme and Superior Courts * * *

Sec. 27. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

* * *

(d) Prior to the entry of any subsequent pleading which sets forth a claim for relief in the Supreme Court or the Superior Court, there shall be paid to the clerk of the court for the benefit of the State a fee of \$120.00 for every ~~appeal,~~ cross-claim, or third-party claim and a fee of \$90.00 for every counterclaim in the Superior Court in lieu of all other fees not otherwise set forth in this section. The fee for an appeal of a magistrate's decision or the appeal of a small claims decision in the Superior Court shall be \$120.00. The filing fee for civil suspension proceedings filed pursuant to 23 V.S.A § 1205 shall be \$90.00, which shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title. This subsection does not apply to filing fees in the Family Division, except with respect to the fee for an appeal of a magistrate's decision.

(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, and motions to confirm the sale of property in foreclosure.~~ A filing fee of \$90.00 shall be paid to the clerk of the court for a civil petition for minor settlements.

* * *

* * * Probate Cases * * *

Sec. 28. 32 V.S.A. § 1434 is amended to read:

§ 1434. PROBATE CASES

(a) The following entry fees shall be paid to the Probate Division of the Superior Court for the benefit of the State, except for subdivisions (18) and (19) of this subsection, which shall be for the benefit of the county in which the fee was collected:

* * *

(26) Petitions for license to sell or convey real estate
\$100.00

(27) Petition for license to sell or convey personal property \$100.00

* * *

(31) ~~Requests for findings regarding motor vehicle title pursuant to 23 V.S.A. § 2023(e)(2) \$50.00 [Repealed.]~~

(32) Petitions to obtain a birth order pursuant to 15C V.S.A. § 708(a) or § 804(a) \$100.00

(33) Petitions to appeal the State Registrar's denial of an application to amend a birth or death certificate pursuant to 18 V.S.A. § 5073(b) \$150.00

* * *

* * * Prescription Drug Cost Containment * * *

* * * Manufacturer Fees * * *

Sec. 29. 33 V.S.A. § 2004(a) is amended to read:

(a) Annually, each pharmaceutical manufacturer or labeler of prescription drugs that are paid for by the Department of Vermont Health Access for individuals participating in Medicaid, Dr. Dynasaur, or VPharm shall pay a fee to the Agency of Human Services. The fee shall be ~~4.5~~ 1.75 percent of the previous calendar year's prescription drug spending by the Department and shall be assessed based on manufacturer labeler codes as used in the Medicaid rebate program.

* * * Entities that Administer Health Reimbursement Arrangements * * *

Sec. 30. 18 V.S.A. § 9417 is added to read:

§ 9417. TAX-ADVANTAGED ACCOUNTS FOR HEALTH EXPENSES;
ADMINISTRATION; RULEMAKING

(a) As used in this section:

(1) “Flexible spending account” or “FSA” has the same meaning as in 26 U.S.C. § 106(c)(2).

(2) “Health reimbursement arrangement” or “HRA” means any account-based reimbursement arrangement funded solely by employer contributions that reimburses an employee, spouse, or dependents, or a combination thereof, for medical care expenses incurred by the employee, spouse, dependents, or a combination thereof, up to a maximum coverage amount set by the employer for a given coverage period, and that is established pursuant to 26 U.S.C. §§ 105–106 and applicable guidance from the Internal Revenue Service.

(3) “Health savings account” or “HSA” has the same meaning as in 26 U.S.C. § 223(d)(1).

(b) Any entity administering one or more HRAs, HSAs, or FSAs, or a combination of these, in this State is providing financial services to Vermont residents and is subject to the jurisdiction of the Commissioner of Financial Regulation pursuant to 8 V.S.A. § 10 and all other applicable provisions.

(c) The Commissioner of Financial Regulation shall adopt rules pursuant to 3 V.S.A. chapter 25 to license and regulate, to the extent permitted under federal law, entities administering or proposing to administer one or more HRAs, HSAs, or FSAs, or a combination of these, in this State. The rules may include:

(1) annual licensure or registration filing requirements; and

(2) such requirements and qualifications for such entities as the Commissioner determines are appropriate, which may include:

(A) bonding, surplus, reserves, or a combination thereof;

(B) information security and confidentiality; and

(C) examination and enforcement.

(d) Following the adoption of rules pursuant to subsection (c) of this section, an entity making an initial application for a license or registration to administer HRAs, HSAs, or FSAs, or a combination of these, in this State shall pay to the Commissioner a nonrefundable fee of \$600.00 for examining, investigating, and processing the application. Each such entity shall also pay a renewal fee of \$600.00 on or before December 31 every three years following initial licensure.

Sec. 31. RULEMAKING; REPORT

On or before February 15, 2020, the Commissioner of Financial Regulation shall provide an update to the Senate Committee on Finance and the House

Committees on Health Care and on Commerce and Economic Development on the progress of the rulemaking required by Sec. 30 of this act, including any findings related to the permissible scope of the rule.

* * * Department of Motor Vehicles * * *
* * * Public Records Requests * * *

Sec. 32. 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. [Repealed.]~~

Sec. 33. 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>	\$119.00

* * *

* * * Junior Operator's License * * *

Sec. 34. 23 V.S.A. § 607 is amended to read:

§ 607. JUNIOR OPERATOR'S LICENSE

(a) A junior operator's license may be issued initially only to persons who:

* * *

(3) have:

(A) possessed a learner's permit for not less than one year;

(B) submitted on a form provided by the Department of Motor Vehicles ~~which that~~ is approved by the Commissioner, and certified by the operator's licensed parent or guardian, licensed or certified driver education instructor, or licensed person at least 25 years of age that there ~~has been:~~

(i) ~~was~~ was at least 40 hours of practice behind the wheel, at least 10 of which ~~shall be~~ was nighttime driving; and that the operator was accompanied by ~~their~~ his or her licensed parent or guardian, a licensed or certified driver education instructor, or another licensed ~~person~~ individual at least 25 years of age, riding ~~beside the operator in the front passenger seat;~~ and

(ii)(C) ~~have~~ maintained a driving record without a learner's permit suspension, revocation, or recall for six consecutive months prior to licensure.

* * *

(c) Any junior operator's license may be renewed. Notwithstanding the provisions of any other law, a renewed junior operator's license shall not be issued ~~without a photograph or imaged likeness.~~ Any person to whom a renewed junior operator's license has been issued shall, while operating a motor vehicle, carry upon his or her person the last license issued to him or her as well as the renewed license certificate required to meet the requirements of subsection 610(b) of this title.

* * * Photographic Licenses * * *

Sec. 35. 23 V.S.A. § 610(c) is amended to read:

(c) Each license certificate issued to a first-time applicant and each subsequent renewal by that person shall be issued with the photograph or imaged likeness of the licensee included on the certificate. The Commissioner shall determine the locations where photographic licenses may be issued. A person issued a license under this subsection that contains an imaged likeness may renew his or her license by mail. Except that a renewal by a licensee required to have a photograph or imaged likeness under this subsection must be made in person so that an updated imaged likeness of the person is obtained no less often than once every eight nine years.

* * * Commercial Driver License for Qualified Military Personnel * * *

Sec. 36. 23 V.S.A. § 4108(d) is amended to read:

(d) At the discretion of the Commissioner, the knowledge test and the skills test required under 49 C.F.R. § 383.113 49 C.F.R. §§ 383.113 and 383.133, as amended, and the tests required for a passenger endorsement or a tank vehicle endorsement or a hazardous materials endorsement under 49 CFR §§ 383.117, 383.119, or 383.121, as amended, may be waived for a commercial motor

vehicle driver with military commercial motor vehicle experience who is currently licensed at the time of his or her application for a commercial driver license, if the test is substituted with an applicant's driving record in combination with the driving experience specified in this subsection. The Commissioner shall impose conditions and limitations to restrict the applicants from whom alternative requirements for the skills test may be accepted. Such conditions shall include the following:

* * *

Sec. 37. 23 V.S.A. § 4108(e) is amended to read:

(e) Obtaining a commercial learner's permit is a precondition to the initial issuance of a commercial driver license. The issuance of a commercial learner's permit also is a precondition to the upgrade of a commercial driver license if the upgrade requires a skills test. A permit may be issued to an individual who holds a valid Vermont driver's license who has passed the vision and written tests required for the class of license authorizing the operation of the type of vehicle for which the permit application is being made. A commercial learner's permit holder is not eligible to take the commercial driver license skills test in the first 14 days after initial issuance of the commercial learner's permit. A permit shall be issued for a period of ~~six months~~ one year, and only one renewal or reissuance of a commercial learner's permit may be granted within a two-year period.

* * * Foreign Driver's License Reciprocity * * *

Sec. 38. 23 V.S.A. § 208 is amended to read:

§ 208. RECIPROCAL RECOGNITION OF NONRESIDENT REGISTRATIONS, LICENSES, AND PERMITS; FOREIGN VISITORS

As determined by the Commissioner, and consistent with section 601 of this title, a motor vehicle owned by a nonresident shall be considered as registered and a nonresident operator shall be considered as licensed or permitted in this State if the nonresident owner or operator has complied with the laws of the foreign country or state of his or her residence relative to the registration of motor vehicles and the granting of ~~operators'~~ operator's licenses or learner's permits. However, these exemptions shall be operative only to the extent that under the laws of the foreign country or state of the owner's or operator's residence like exemptions and privileges are granted to owners of motor vehicles duly registered and to operators duly licensed or permitted under the laws of this State, except that if the owner or operator is a resident of a country not adjoining the United States, the exemptions shall be operative for a period

of not more than ~~30 days for vacation purposes~~ one year even if the country does not grant like privileges to residents of this State.

Sec. 39. 23 V.S.A. § 601(a) is amended to read:

(a)(1) Except as otherwise provided by law, a resident shall not operate a motor vehicle on a highway in Vermont unless he or she holds a valid license issued by the State of Vermont. A new resident who has moved into the State from another jurisdiction and who holds a valid license to operate motor vehicles under section 208 of this title shall procure a Vermont license within 60 days of moving to the State. Except as provided in subsection 603(d) of this title, licenses shall not be issued to nonresidents.

(2) In addition to any other requirement of law, a nonresident as defined in section 4 of this title shall not operate a motor vehicle on a Vermont highway unless:

(A) he or she holds a valid license or permit to operate a motor vehicle issued by another U.S. jurisdiction; or

~~(B) he or she holds a valid license or permit to operate a motor vehicle from a jurisdiction outside the United States and operates for a period of not more than 30 days for vacation purposes; or~~

~~(C) he or she holds a valid license or permit to operate a motor vehicle from a jurisdiction outside the United States and:~~

~~(i) is at least 18 or more years of age, is lawfully present in the United States, and has been in the United States for less not more than one year; and~~

~~(ii) the jurisdiction that issued the license is a party to the 1949 Convention on Road Traffic or the 1943 Convention on the Regulation of Inter-American Motor Vehicle Traffic; and~~

~~(iii) he or she possesses an international driving permit.~~

Sec. 40. 23 V.S.A. § 632(a) is amended to read:

(a) Before an operator's or a junior operator's license is issued to an applicant for the first time in this State, or before a renewal license is issued to an applicant whose previous Vermont license had expired more than three years prior to the application for renewal, the applicant shall pass a satisfactory examination, except that the Commissioner may, in his or her discretion, waive the examination when the applicant holds a chauffeur's or operator's license in force at the time of application or within one year ~~of~~ prior to the application in some other state jurisdiction where an examination is required similar to the examination required in this State.

* * * Replacement License * * *

Sec. 41. 23 V.S.A. § 613 is amended to read:

§ 613. DUPLICATE REPLACEMENT LICENSE

(a) In case of the loss, mutilation, or destruction of a license or error in a license, the licensee shall forthwith notify the Commissioner who shall furnish such licensee with a duplicate replacement on receipt of \$20.00. ~~A corrected license shall be furnished by the Commissioner upon request and receipt of a fee of \$20.00.~~

(b) A duplicate replacement license shall not be issued to any person who has surrendered his or her license to another jurisdiction in connection with obtaining a license in that jurisdiction.

* * * Designated Inspection Station Violations * * *

Sec. 42. 23 V.S.A. § 1231 is amended to read:

§ 1231. ADMINISTRATIVE PENALTIES

(a) The Commissioner may impose an administrative penalty of not more than \$500.00 for each violation against a designated inspection station or a certified inspection mechanic who violates the laws relating to the performance of periodic motor vehicle inspections or the official inspection manuals within the prior three years.

* * *

(c) The Commissioner shall adopt rules establishing categories of violations for which administrative penalties are to be imposed under this section. Categories shall be based on the severity of the violation involved. Penalties assessed for each determination of violation of the inspection rules shall not exceed the following amounts per category:

(1) ~~Category 1.~~ Violation of State law relative to inspection (Category 1)—\$500.00.

(2) ~~Category 2.~~ Violation of a Category 2 inspection rule (~~fraud related~~)—\$300.00.

(3) ~~Category 3.~~ Violation of a Category 3 inspection rule (~~improper action~~)—\$250.00.

(4) ~~Category 4.~~ Violation of a Category 4 inspection rule (~~records/equipment~~)—\$100.00.

(5) ~~Category 5.~~ Violation of a Category 5 inspection rule (~~documentation~~)—\$50.00.

* * *

* * * Renewal of Identification Cards * * *

Sec. 43. 23 V.S.A. § 115(b) is amended to read:

(b) Every identification card shall expire, unless earlier canceled, at midnight on the eve of the fourth birthday anniversary of the date of birth of the applicant cardholder following the date of original issue, and may be renewed every four years upon payment of a \$24.00 fee. A renewed identification card shall expire, unless earlier canceled, at midnight on the eve of the fourth anniversary of the date of birth of the cardholder following the expiration of the card being renewed. At least 30 days before an identification card will expire, the Commissioner shall mail first class to the cardholder or send the cardholder electronically an application to renew the identification card; a cardholder shall be sent the renewal notice by mail unless the cardholder opts in to receive electronic notification. A person born on February 29 shall, for the purposes of this section, be considered as born on March 1.

* * * Renewal of Operator's Licenses * * *

Sec. 44. 23 V.S.A. § 601(b) is amended to read:

(b) All operator's licenses issued under this chapter shall expire, unless earlier cancelled, at midnight on the eve of the second or fourth anniversary of the date of birth of the applicant license holder following the date ~~they were issued~~ of issue. Renewed licenses shall expire at midnight on the eve of the second or fourth anniversary of the date of birth of the license holder following the date the renewed license expired. All junior operator's licenses shall expire, unless earlier cancelled, at midnight on the eve of the second anniversary of the date of birth of the applicant license holder following the date ~~they were issued~~ of issue. A person born on February 29 shall, for the purposes of this section, be considered as born on March 1.

* * * Display of Inspection Stickers * * *

Sec. 45. 23 V.S.A. § 203(a) is amended to read:

(a) A person shall not:

(1) counterfeit or cause to be counterfeited or have in his or her possession any counterfeit number plate, validating sticker, marker, inspection sticker, registration certificate, learner's permit, nondriver identification card, insurance identification card, or operator license, or alter or have in his or her possession any altered number plate or marker; ~~or~~

(2) display or cause or permit to be displayed, or have in his or her possession, any fictitious or fraudulently altered operator license, learner's permit, nondriver identification card, inspection sticker, or registration certificate, or display for any fraudulent purpose an expired or counterfeit insurance identification card or similar document; or

(3) lend his or her operator license to any other person or knowingly permit the use thereof by another; or

(4) display or represent as his or her own any operator license, permit, ~~inspection sticker,~~ or nondriver identification card not issued to him or her, ~~or, in the case of inspection stickers, not issued to him or her for the vehicle on which the sticker is displayed;~~ or

(5) permit any unlawful use of an operator license, permit, or nondriver identification card issued to him or her by the Commissioner; or

(6) obtain or attempt to obtain a registration plate, validation sticker, registration certificate, operator's license, learner's permit, nondriver identification card, or duplicate copy of any of such documents by the use of fraudulently obtained, fictitious, or altered identity documents or by the use of identity documents not his or her own; or

(7) obtain or attempt to obtain a registration plate, validation sticker, registration certificate, certificate of title, operator's license, learner's permit, nondriver identification card, duplicate copy of any of these documents, or obtain or attempt to obtain any other permit, license, or special privilege from the Department of Motor Vehicles through the submission of an application containing false or fictitious information; or

(8) lend his or her identity documents to aid an applicant in his or her attempt to fraudulently obtain or actually obtain a registration plate, validation sticker, registration certificate, operator's license, learner's permit, nondriver identification card, or duplicate copy of such documents; or

(9) display on his or her vehicle an inspection sticker not issued to him or her for the vehicle.

* * * Registration of Trailers and Semi-Trailers * * *

Sec. 46. 23 V.S.A. § 301 is amended to read:

§ 301. PERSONS REQUIRED TO REGISTER

Residents, except as provided in chapter 35 of this title, shall annually register motor vehicles owned or leased for a period of more than 30 days and operated by them, unless currently registered in Vermont. Notwithstanding this section, a resident who has moved into the State from another jurisdiction

shall register his or her motor vehicle within 60 days of moving into the State. A person shall not operate a motor vehicle nor draw a trailer or semi-trailer on any highway unless such vehicle is registered as provided in this chapter. Vehicle owners who have apportioned power units registered in this State under the International Registration Plan are exempt from the requirement to register their trailers in this State.

* * * Automated Vehicle Testing * * *

Sec. 47. 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 on a sustained basis, regardless of whether it is limited to a specific operational design domain. This term is used specifically to describe a level 3, 4, or 5 driving automation system.

(2) “Automated vehicle” means a motor vehicle that is equipped with an automated driving system that is designed to function at a level of driving automation of level 3, 4, or 5 pursuant to SAE J3016. The term includes a highly automated vehicle.

(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 but not limited to an automated vehicle manufacturer, municipal or State agency, institution of higher education, fleet service provider, or automotive equipment or technology provider.

(4) “Dynamic driving task” means all the real-time operational and tactical functions required to operate an automated vehicle in traffic on a highway. The term does not include functions relating to planning for the use of the vehicle, including the scheduling of a trip or the selection of a destination or way point.

(5) “Highly automated vehicle” means a vehicle equipped with an automated driving system that is designed to function at a level of driving automation of level 4 or 5 pursuant to SAE J3016.

(6) “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).

(7) “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.

(8) “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.

(9) “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.

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

(11) “SAE J3016” means the document published by SAE International on September 30, 2016 as “Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles” and any subsequent versions.

§ 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 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.

(c) A person aggrieved by a decision of the Traffic Committee regarding an automated vehicle test permit may appeal to the Civil Division of the Superior

Court of Washington County under Rule 74 of the Vermont Rules of Civil Procedure.

(d) Before a test commences, the automated vehicle tester shall make approved automated vehicle test permits readily available to law enforcement and municipalities within the operational design domain designated in the permit.

(e) Following completion of an automated vehicle test, the automated vehicle tester shall submit a report to the Traffic Committee summarizing results and observations related to safety, traffic operations, interaction with roadway infrastructure, comments from the public, and any other relevant matters.

(f) 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;

(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; and

(E) has certified that the legislative bodies of the municipalities where an automated vehicle will be tested have approved the operational design domain for class 1, 2, 3, or 4 town highways as classified pursuant to

19 V.S.A. § 302 included in the test.

(3) The operator and automated vehicle tester shall:

(A) comply with standards established by the National Highway Traffic Safety Administration regarding automated vehicles and be 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 10 business days 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.

(g) Notwithstanding subsection (f) of this section, a highly automated vehicle may be tested on a public highway without an operator inside the vehicle if the operator or automated vehicle tester can take immediate remote control of the highly automated vehicle being tested and the vehicle can achieve a minimal risk condition.

(h) An automated vehicle testing permit may be voided and invalidated for the trip by a law enforcement officer that 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.

(i) 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.

(j) 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.

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

(l) 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.

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

* * * State Traffic Committee * * *

Sec. 48. 19 V.S.A. § 1(24) is amended to read:

(24) “Traffic Committee” consists of the Secretary of Transportation or ~~his or her~~ designee, the Commissioner of Motor Vehicles or ~~his or her~~ designee, and the Commissioner of Public Safety or ~~his or her~~ designee and is responsible for establishing speed zones, parking and no parking areas, rules for use of limited access highways, approval of the testing of automated vehicles as defined in 23 V.S.A. § 4202 on public highways, and other traffic control procedures.

* * * Automated Vehicle Testing Implementation * * *

Sec. 49. AUTOMATED VEHICLE TESTING IMPLEMENTATION

(a) 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. 47 of this act.

(b) The Agency of Transportation may adopt rules to implement the provisions of 23 V.S.A. chapter 41 as added in Sec. 47 of this act.

* * * Application for Certificate of Title * * *

Sec. 50. 23 V.S.A. § 2015(b) is amended to read:

(b) If the application refers to a vehicle purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his or her security agreement and be signed by the dealer as well as the owner, and the dealer shall promptly mail or deliver the application to the Commissioner unless title is in the possession of a lienholder at the time of sale, in which case the dealer shall have until 30 calendar days after the date the dealer acquired the vehicle to mail or deliver the application to the Commissioner. The dealer shall not be entitled to the extension if the lien on the vehicle was granted by the dealer to finance vehicle inventory acquisition.

* * * Resale by Dealer * * *

Sec. 51. 23 V.S.A. § 2024 is amended to read:

§ 2024. RESALE BY DEALER

If a dealer buys a vehicle, ~~and~~ holds it for resale, and obtains the certificate of title from the owner or the lienholder ~~within 10 days after receiving the vehicle,~~ then the certificate need not be sent to the Commissioner. When the

dealer transfers the vehicle to a person, other than by the creation of a security interest, he or she shall simultaneously execute the assignment and warranty of title by filling in the spaces on the certificate of title or as prescribed by the Commissioner or, if title is held by a finance source, execute a form prescribed by the Commissioner that provides proof of the transfer but does not release the lien. The certificate shall be mailed or delivered to the Commissioner with the transferee's application for a new certificate.

* * * Application for Registration by the Dealer * * *

Sec. 52. 23 V.S.A. § 459 is amended to read:

§ 459. NOTICE, APPLICATION, AND FEES TO COMMISSIONER

(a) Upon issuing a number plate with temporary validation stickers, a temporary number plate, or a temporary decal to a purchaser, a dealer shall, ~~within~~ have 15 calendar days, or up to 30 calendar days as applicable pursuant to subsection 2015(b) of this title, to forward to the Commissioner the application and fee, deposited with him or her by the purchaser, together with notice of such issue and such other information as the Commissioner may require.

(b) If a number plate with temporary validation stickers, a temporary registration plate, or a temporary decal is not issued by a dealer in connection with the sale or exchange of a vehicle or motorboat, the dealer may accept from the purchaser a properly executed registration, tax, and title application, and the required fees for transmission to the Commissioner. The dealer shall, ~~within~~ have 15 calendar days, or up to 30 calendar days as applicable pursuant to subsection 2015(b) of this title, to forward to the Commissioner the application and fee together with such other information as the Commissioner may require.

* * * Title to Motor Vehicle Anti-Theft Provisions * * *

Sec. 53. 23 V.S.A. § 2083 is amended to read:

§ 2083. OTHER OFFENSES

(a) A person who:

* * *

(2) knowingly fails to mail or deliver a certificate of title or application for a certificate of title to the Commissioner ~~within 20~~ 30 days after the transfer or creation or satisfaction of a security interest shall be subject to the penalties prescribed in subdivision (5) of this subsection;

(3) knowingly fails to deliver to his or her transferee a certificate of title within ~~20~~ 30 days after the transfer shall be subject to the penalties prescribed in subdivision (5) of this subsection;

* * *

(5) knowingly violates any provision of this chapter, except as provided in subdivision (6) of this subsection or section 2082 of this title, shall be fined not more than \$2,000.00, or imprisoned for not more than two years, or both; or

* * *

(b) Absent a showing of a knowing failure to deliver as provided in subdivision (a)(3) of this section, a person who fails to deliver to his or her transferee a certificate of title within ~~40~~ 30 days after the transfer commits a traffic violation and shall be assessed a civil penalty of not more than \$1,000.00.

* * * Translated Department of Motor Vehicle
Documents and Use of Interpreters * * *

Sec. 54. 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 the primary language of every nation 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 of the form, application, or test is on the Department's website. Nothing in this subsection is intended to require the Department to translate any educational manuals.

Sec. 55. 23 V.S.A. § 632 is amended to read:

§ 632. EXAMINATION REQUIRED; WAIVER

(a) Before an operator's or a junior operator's license is issued to an applicant for the first time in this State, or before a renewal license is issued to an applicant whose previous Vermont license had expired more than three years prior to the application for renewal, the applicant shall pass a satisfactory examination, except that the Commissioner may, in his or her discretion, waive the examination when the applicant holds a chauffeur's or operator's license in force at the time of application or within one year of the application in some other state where an examination is required similar to the examination required in this State.

(b) The examination shall consist of:

(1) an oral or written examination;

(2) a thorough road test; and

(3) at the discretion of the Commissioner, such other examination or demonstration as he or she may prescribe, including an oral eye examination.

(c) An applicant may have an individual of his or her choosing at the oral examination or road test to serve as an interpreter, including to translate any oral commands given as part of the road test.

Sec. 56. 23 V.S.A. § 4108 is amended to read:

§ 4108. ~~COMMERCIAL DRIVER~~ DRIVER'S LICENSE, COMMERCIAL LEARNER'S PERMIT QUALIFICATION STANDARDS

* * *

(f) The fee for a knowledge test and the fee for a skills test shall each be \$32.00. The fee for an endorsement test shall be \$14.00. In the event that an applicant fails a test three times, he or she may not take the test again for at least six months. A fee of \$24.00 shall be paid by the applicant before he or she may schedule a skills test. If an applicant does not appear for the scheduled skills test, the \$24.00 scheduling fee is forfeited, unless the applicant has given the Department at least 48 hours' notice of cancellation of the test. If the applicant appears for the skills test, the \$24.00 scheduling fee for that test will be used as part of the test fee. Use of an interpreter is prohibited during the administration of the knowledge or skills tests, but the Department shall have the knowledge test translated into the primary language of every nation 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, upon request. Nothing in this subsection is intended to require the Department to translate any educational manuals.

* * *

* * * Department of Motor Vehicles Training * * *

Sec. 57. DEPARTMENT OF MOTOR VEHICLES TRAINING

On or before January 1, 2020, the Commissioner of Motor Vehicles shall, in collaboration with the U.S. Committee for Refugees and Immigrants Vermont and the Association of Africans Living in Vermont, provide an online or in-person training to all Department of Motor Vehicles employees who directly interact with the public that emphasizes strategies to recognize and address cultural differences and other potential barriers to equal access to Department of Motor Vehicles services for individuals who come to Vermont from other nations. A similar training shall be given to all future Department of Motor Vehicle employees who will directly interact with the public within one month after the employee's date of hire.

* * * Translated Documents and Use of Interpreters Implementation * * *

Sec. 58. TRANSLATED DOCUMENTS AND USE OF INTERPRETERS IMPLEMENTATION

(a) The Commissioner of Motor Vehicles shall have until July 1, 2019 to consult with the U.S. Committee for Refugees and Immigrants Vermont and determine the primary language of every nation from which individuals assisted by the U.S. Committee for Refugees and Immigrants Vermont in the prior 10 years hail.

(b) On or before October 15, 2019, the Commissioner of Motor Vehicles shall send a written update to the Joint Transportation Oversight Committee that includes an implementation plan to ensure compliance with 23 V.S.A. §§ 631–632 and § 4108 as amended by Secs. 54–56 of this act and an update on the training required pursuant to Sec. 57 of this act.

* * * Effective Dates * * *

Sec. 59. EFFECTIVE DATES

(a) Secs. 2 (insurance term of license) and 3a (insurance license requirements) shall take effect on June 1, 2021.

(b) Secs. 5 (Department of Fish and Wildlife license fees) and 6 (Department of Fish and Wildlife lifetime licenses) shall take effect on January 1, 2020.

(c) Secs. 30 (tax-advantages accounts for health expenses) and 31 (rulemaking; report) shall take effect on passage, provided that the Department of Financial Regulation shall adopt its final rule on or before September 1, 2020 regulating entities that administer HRAs, HSAs, or FSAs, or a combination of these.

(d) Secs. 57 (Department of Motor Vehicles training), 58 (translated documents and use of interpreters implementation), and 59 (effective dates) shall take effect on passage.

(e) Secs. 54 (written forms), 55 (examination required), and 56 (commercial driver's license written forms) shall take effect on July 1, 2020.

(f) All remaining sections shall take effect on July 1, 2019.

(Committee vote: 7-0-0)

(No House amendments)

**Amendment to proposal of amendment of the Committee on Finance to
H. 527 to be offered by Senator Cummings**

Senator Cummings moves to amend the proposal of amendment of the Committee on Finance by striking out all after Sec. 33, 23 V.S.A. § 114, and inserting a new Sec. 34 to read as follows:

* * * Effective Dates * * *

Sec. 34. EFFECTIVE DATES

(a) Secs. 2 (insurance term of license) and 3a (insurance license requirements) shall take effect on June 1, 2021.

(b) Secs. 5 (Department of Fish and Wildlife license fees) and 6 (Department of Fish and Wildlife lifetime licenses) shall take effect on January 1, 2020.

(c) Secs. 30 (tax-advantages accounts for health expenses) and 31 (rulemaking; report) shall take effect on passage, provided that the Department of Financial Regulation shall adopt its final rule on or before September 1, 2020 regulating entities that administer HRAs, HSAs, or FSAs, or a combination of these.

(d) All remaining sections shall take effect on July 1, 2019.

H. 529.

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

Reported favorably with recommendation of proposal of amendment by Senator Mazza for the Committee on Transportation.

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:

* * * Transportation Program Adopted as Amended; Definitions * * *

Sec. 1. TRANSPORTATION PROGRAM ADOPTED AS AMENDED;
DEFINITIONS

(a) The Agency of Transportation's proposed fiscal year 2020 Transportation Program appended to the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019), as amended by this act, is adopted to the extent federal, State, and local funds are available.

(b) As used in this act, unless otherwise indicated:

(1) "Agency" means the Agency of Transportation.

(2) "Electric vehicle supply equipment" has the same meaning as in 30 V.S.A. § 201 as amended by Sec. 30 of this act.

(3) "Plug-in electric vehicle" has the same meaning as in 23 V.S.A. § 4(85) as added by Sec. 29 of this act and is abbreviated "PEV."

(4) "Secretary" means the Secretary of Transportation.

(5) The table heading "As Proposed" means the Transportation Program referenced in subsection (a) of this section; the table heading "As Amended" means the amendments as made by this act; the table heading "Change" means the difference obtained by subtracting the "As Proposed" figure from the "As Amended" figure; and the terms "change" or "changes" in the text refer to the project- and program-specific amendments, the aggregate sum of which equals the net "Change" in the applicable table heading.

(6) "TIB funds" means monies deposited into the Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

(c) In the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) for Public Transit, the abbreviation "FAA" is struck and "FTA" is inserted in lieu thereof.

* * * Summary of Transportation Investments * * *

Sec. 2. FISCAL YEAR 2020 TRANSPORTATION INVESTMENTS
INTENDED TO REDUCE TRANSPORTATION-RELATED

GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL
USE, AND SAVE VERMONT HOUSEHOLDS MONEY

This act includes the State's fiscal year 2020 transportation investments intended to reduce transportation-related greenhouse gas emissions, reduce fossil fuel use, and save Vermont households money in furtherance of the policies articulated in 19 V.S.A. § 10b and the goals of the Comprehensive Energy Plan, and to satisfy the Executive and Legislative Branches' commitments to the Paris Agreement climate goals. In fiscal year 2020, these efforts will include the following:

(1) Park and Ride Program. This act provides for a fiscal year expenditure of \$2,651,588.00, which will fund four park and ride construction projects—creating 277 new spaces across the State—and the design of five additional facilities—totaling 277 additional spaces—scheduled for construction in fiscal year 2021. Once completed, these 554 new park and ride spaces will increase the number of State-owned parking spaces by 34 percent. Specific additions and improvements include:

- (A) Williston - Construction of 142 spaces;
- (B) Saint Johnsbury - Construction of 44 spaces;
- (C) Royalton - Construction of 91 spaces;
- (D) Cambridge - Improvements to existing spaces;
- (E) Thetford - Design for 40 spaces;
- (F) Berlin (Exit 6) - Design for 62 spaces;
- (G) Berlin (Exit 7) - Design for 75 spaces;
- (H) Manchester - Design for 50 spaces; and
- (I) Williamstown - Design for 50 spaces.

(2) Bike and Pedestrian Facilities Program. This act provides for a fiscal year expenditure of \$14,737,044.00, which will fund 34 bike and pedestrian construction projects, and 20 bike and pedestrian design or right-of-way projects, or both, for construction in fiscal year 2021. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared use paths, bike paths, and cycling lanes. Projects are funded in Albany, Arlington, Bennington, Burlington, Castleton, Chester, Colchester, Dover, East Montpelier, Enosburg Falls, Essex, Fair Haven, Fairfield, Franklin, Hardwick, Hartford, Hinesburg, Jericho, Lake Champlain causeway, Manchester, Middlebury, Milton, Montpelier-Berlin, Moretown, Norwich, Pittsford, Plainfield, Pownal, Richford, Royalton, Rutland City, South

Burlington, Springfield, Stowe, Sheldon, Swanton, Thetford, Underhill, Waitsfield, Waterbury, West Rutland, Williston, and Winooski.

(3) Transportation Alternatives Program. This act provides for a fiscal year expenditure of \$4,085,772.00, which will fund 21 transportation alternatives construction projects and 14 design or right-of-way projects, or both. Of these 35 projects, 12 involve environmental mitigation related to clean water or stormwater concerns, or both, and the remaining 23 involve bicycle and pedestrian facilities. Projects are funded in Bennington, Brandon, Burlington, Castleton, Chester, Colchester, East Montpelier, Enosburg, Essex, Essex Junction, Hartford, Hyde Park, Jericho, Montpelier, Newfane, Pomfret, Putney, Rutland City, Shelburne, South Burlington, Springfield, St. Albans, St. Johnsbury, Thetford, Williston, Wilmington, and Winooski.

(4) Public Transit Program. This act authorizes \$36,824,399.00 in funding for public transit uses throughout the State, which is a 17.2 percent increase over fiscal year 2019 levels. This authorization includes \$1,884,000.00 for two large all-electric transit buses for the Burlington area, \$480,000.00 for two all-electric small shuttle buses for the Montpelier area, and \$3,000,000.00 from the Federal Transit Authority that flows through the State directly to the Green Mountain Transportation Authority. Also included in the authorization are:

(A) Go! Vermont at \$858,434.00, which supports the promotion and use of carpools and vanpools.

(B) Barre Transit Expansion at \$275,000.00, which increases service available through Barre Transit.

(C) Capital Commuters at \$100,000.00, which provides discounted bus passes to those commuting to work in Montpelier.

(D) Vermont Kidney Association Grant at \$50,000.00, which supports the transit needs of Vermonters in need of dialysis services.

(5) Rail Program. This act authorizes \$35,983,865.00 for passenger and freight rail uses throughout the State, which is an 11 percent increase over fiscal year 2019 levels. This authorization includes \$5,200,000.00 for infrastructure upgrades to bring passenger rail service to Burlington from Rutland and \$8,300,000.00 to support Amtrak service. Since one freight rail car holds the equivalent of four tractor trailer trucks, increased usage of freight rail lines will reduce carbon emissions and minimize wear and tear on the State's highway network.

(6) Multi-Modal Facilities Program. This act authorizes \$1,250,000.00 to complete the \$7,750,000.00 multi-modal transit center, bike path, and

pedestrian facility in Montpelier.

(7) Transformation of the State Vehicle Fleet. The State Vehicle Fleet, which is under the management of the Department of Buildings and General Services, contains 734 vehicles. Presently, 54 of those vehicles are hybrid or plug-in electric vehicles. Secs. 40, 41, and 42 of this act will requires that not less than 50 percent of vehicles purchased or leased by the Department of Buildings and General Services on or after July 1, 2019 be hybrid or plug-in electric vehicles, and not less than 75 percent beginning July 1, 2021.

(8) Vehicle incentive and emissions repair programs. Sec. 34 of this act authorizes \$1,500,000.00 to support two programs.

(A) Plug-in electric vehicle incentive program. This program will offer financial incentives to income-eligible Vermont households purchasing or leasing new plug-in electric vehicles. As more fully described in Sec. 34 of this act, the Agency of Transportation will administer this program, which will be offered on a first-come first-served basis until the funds are exhausted.

(B) High fuel efficiency vehicle incentive and emissions repair program. This program will offer financial incentives to income-eligible Vermont households to replace older, fuel inefficient vehicles with used high fuel efficiency vehicles, including hybrid vehicles, and emissions repair vouchers for certain vehicles that failed the on board diagnostic (OBD) systems inspection but could, with less than \$2,500.00 in emissions repair work, pass the OBD systems inspection. As more fully described in Sec. 34 of this act, the Agency of Transportation will administer this program, which will target incentives to households that are served by the State's network of community action agencies. These households, for whom the purchase of new plug-in electric vehicles is financially out of reach, will benefit financially by switching to far more efficient vehicles as envisioned by this program or having emissions repair work done to their existing vehicle.

(9) Report on methods to increase public transit ridership. This act, through the spending authorization for the Policy and Planning Program, includes funding for and direction to the Agency of Transportation to conduct a comprehensive study of strategies to increase public transit ridership, with an emphasis on rural areas.

(10) Report on time-of-acquisition feebates. This act, through the spending authorization for the Policy and Planning Program, includes funding for and directs the Agency of Transportation to conduct a study on time-of-acquisition feebates and make a recommendation on whether Vermont should establish a time-of-acquisition feebate program on the purchase and lease, if applicable, of new vehicles. Such a program would establish one or more

levels of fuel efficiency based on miles per gallon or miles per gallon equivalent and provide an immediate cash incentive for vehicles that exceed that level, or levels, or assess a financial fee on vehicles that perform less than the established level, or levels.

(11) Report on weight-based annual registration fees. This act, through the spending authorization for the Policy and Planning Program, includes funding for and directs the Agency of Transportation to conduct a study on whether Vermont should establish an annual vehicle registration fee schedule based upon the weight of the vehicle. As gas sales decline, revenues to support transportation infrastructure will continue to decline if not replaced with another source reflecting impact on roads, the environment, and State policies.

(12) Plug-in electric vehicle charging regulatory report. This act lays the groundwork for a regulatory structure in support of transportation electrification. The policies in this act, combined with impending action at the Public Utility Commission, will provide predictability for plug-in electric vehicle owners and the sustainability of Vermont's transportation infrastructure.

(13) Electrification of the State's motor vehicle fleet. This act, in concert with the Big Bill, appropriates \$512,000.00 to electrify the State's motor vehicle pool. The expenditures support the purchase of 12 fully electric vehicles and electric vehicle supply equipment at the following State facilities:

- (A) 134 State St., Montpelier;
- (B) Rutland;
- (C) Springfield; and
- (D) Barre.

(14) Transportation and Climate Initiative (TCI). This act, through the spending authorization for the Policy and Planning Program, supports staff work in collaboration with the Agency of Natural Resources to negotiate the Transportation and Climate Initiative agreement with other participating jurisdictions. TCI jurisdictions are negotiating a regional low-carbon transportation policy proposal that would cap and reduce carbon emissions from the combustion of transportation fuels through a cap-and-invest program or other pricing mechanism and allow each TCI jurisdiction to invest proceeds from the program into low-carbon and more resilient transportation infrastructure.

* * * Amendments to Transportation Program – Program Development * * *

Sec. 3. FISCAL YEAR SPENDING AUTHORITY; PROGRAM DEVELOPMENT

If the Agency’s fiscal year 2019 maintenance of effort requirement is attained and toll credits are approved by the Federal Highway Administration in fiscal year 2020, then spending authority in Program Development in the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is amended as follows:

(1) transportation funds is reduced by the amount of toll credits approved, but not to exceed \$845,416.64; and

(2) federal funds is increased by the amount of toll credits approved, but not to exceed \$845,416.64.

Sec. 4. PROGRAM DEVELOPMENT; ROADWAY

(a) Within the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) for Program Development—Roadway authorized spending for Burlington MEGC M 5001 (1) is amended as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	500,000	500,000	0
Construction	10,500,000	5,500,000	-5,000,000
Total	11,000,000	6,000,000	-5,000,000
<u>Sources of funds</u>			
TIB	330,000	180,000	-150,000
Federal	10,450,000	5,700,000	-4,750,000
Local	220,000	120,000	-100,000
Total	11,000,000	6,000,000	-5,000,000

(b) Within the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) for Program Development—Roadway authorized spending for Waterbury FEGC F 013-4(13) is amended as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	10,000,000	10,000,000	0
Total	10,000,000	10,000,000	0
<u>Sources of funds</u>			
TIB	0	150,000	150,000
State	300,000	150,000	-150,000
Federal	9,500,000	9,500,000	0

Local	200,000	200,000	0
Total	10,000,000	10,000,000	0

Sec. 5. PROGRAM DEVELOPMENT; TRAFFIC & SAFETY

Within the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) for Program Development—Traffic & Safety authorized spending for Shelburne – South Burlington – NHG SGNL(51) is amended as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	10,000	75,000	65,000
Construction	0	50,000	50,000
Total	10,000	125,000	115,000
<u>Sources of funds</u>			
Federal	10,000	125,000	115,000
Total	10,000	125,000	115,000

* * * Amendment to Transportation Program –
Municipal Mitigation Assistance Program * * *

Sec. 6. SPENDING AUTHORITY IN THE MUNICIPAL MITIGATION ASSISTANCE PROGRAM

(a) Spending authority for grants in the Municipal Mitigation Assistance Program in the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is increased by \$135,000.00 in transportation funds.

(b) If the Agency’s fiscal year 2019 maintenance of effort requirement is attained and toll credits are approved by the Federal Highway Administration in fiscal year 2020, then spending authority for grants in the Municipal Mitigation Assistance Program in the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is further increased by the amount of toll credits approved, but not to exceed \$845,416.64.

* * * Amendment to Transportation Program –
Public Transit (Opioid Treatment Pilot) * * *

Sec. 7. OPIOID TREATMENT PILOT

Within the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) for Public Transit authorized spending for Opioid Treatment Pilot is amended as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	200,000	0	-200,000
Total	200,000	0	-200,000
<u>Sources of funds</u>			
State	200,000	0	-200,000
Total	200,000	0	-200,000

* * * Amendment to Transportation Program – Aviation * * *

Sec. 8. CLARENDON SRE BUILDING

Within the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) for Aviation authorized spending for Clarendon SRE Building is amended as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	105,000	105,000	0
Construction	553,472	453,472	-100,000
Total	658,472	558,472	-100,000
<u>Sources of funds</u>			
State	658,472	558,472	-100,000
Total	658,472	558,472	-100,000

* * * Voluntary Cancellation of Municipal Projects * * *

Sec. 9. 19 V.S.A. § 10g(h) is amended to read:

(h) Should capital projects in the Transportation Program be delayed because of unanticipated problems with permitting, right-of-way acquisition, construction, local concern, or availability of federal or State funds, the Secretary is authorized to advance projects in the approved Transportation Program. The Secretary is further authorized to undertake projects to resolve emergency or safety issues. Upon authorizing a project to resolve an emergency or safety issue, the Secretary shall give prompt notice of the decision and action taken to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session, and when the General Assembly is not in session, to the Joint Transportation Oversight Committee, the Joint Fiscal Office, and the Joint Fiscal Committee. Should an approved project in the current Transportation Program require additional funding to maintain the approved schedule, the Agency is authorized to allocate the necessary resources. However, the Secretary shall not delay or suspend work on approved projects to reallocate funding for other projects except when other funding options are not available. In such case, the Secretary shall notify ~~the members of the Joint Transportation Oversight Committee,~~ and the Joint Fiscal Office, and the Joint Fiscal

Committee when the General Assembly is not in session and the House and Senate Committees on Transportation and the Joint Fiscal Office when the General Assembly is in session. With respect to projects in the approved Transportation Program, the Secretary shall notify, in the district affected, the regional planning commission, the municipality, Legislators, ~~members~~ of the Senate and House Committees on Transportation, and the Joint Fiscal Office of any change ~~which~~ that likely will affect the fiscal year in which the project is planned to go to construction. No project shall be canceled without the approval of the General Assembly, except that the Agency may cancel a municipal project when requested by the municipality or when the Agency and the municipality concur that the project no longer is necessary.

* * * Project Additions * * *

Sec. 10. ADDITION OF COLCHESTER – BAYSIDE INTERSECTION PROJECT

The following project is added to the candidate list of Program Development—Traffic & Safety Program within the Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019): Colchester – Bayside Intersection Roundabout and Stormwater Improvements.

Sec. 11. ADDITION OF SHELBURNE – SOUTH BURLINGTON PROJECT AND SPENDING AUTHORITY

(a) The following project is added to the candidate list of the Program Development—Traffic & Safety Program within the fiscal year 2020 Transportation Program (Revised February 21, 2019): Shelburne – South Burlington – Automated Traffic Signal Performance Measures.

(b) Spending authority for the Shelburne – South Burlington – Automated Traffic Signal Performance Measures project is authorized as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	15,000	15,000
Construction	0	50,000	50,000
Total	0	65,000	65,000
<u>Sources of funds</u>			
State	0	13,000	13,000
Federal	0	52,000	52,000
Total	0	65,000	65,000

* * * BUILD Grant Acceptance * * *

Sec. 12. BETTER UTILIZING INVESTMENTS TO LEVERAGE DEVELOPMENT (BUILD) GRANT (RAIL)

Notwithstanding 32 V.S.A. § 5 (acceptance of grants) and 19 V.S.A. § 7(k) (Secretary; powers and duties), the Agency of Transportation is authorized to accept the Better Utilizing Investments to Leverage Development (BUILD) grant awarded in federal fiscal year 2019 for the Vermont Regional Freight Rail Corridor Upgrade Project in the amount of \$20,000,000.00.

* * * CRISI Grant Acceptance and Project Addition * * *

Sec. 13. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS (CRISI) GRANT (RAIL)

(a) Notwithstanding 32 V.S.A. § 5 (acceptance of grants) and 19 V.S.A. § 7(k) (Secretary; powers and duties), the Agency of Transportation is authorized to accept the Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant in the amount of \$2,082,519.00 for the following project, which is added to the fiscal year 2020 Transportation Program: Windsor – St. Albans CRISI (17) Vermonter Amtrak Safety Project.

(b) Spending authority for the Windsor – St. Albans CRISI (17) Vermonter Amtrak Safety Project is authorized as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	2,082,519	2,082,519
Total	0	2,082,519	2,082,519
<u>Sources of funds</u>			
Federal	0	2,082,519	2,082,519
Total	0	2,082,519	2,082,519

* * * Central Garage * * *

Sec. 14. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c)(1), in fiscal year 2020, the amount of \$355,358.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

Sec. 15. CENTRAL GARAGE EQUIPMENT

Authorized spending in fiscal year 2020 for operating expenses in the Central Garage is reduced by \$39,904.00 in internal service funds.

Sec. 16. 19 V.S.A. § 13(c)(1) is amended to read:

(c)(1) For the purpose specified in subsection (b) of this section, the following amount shall be transferred from the Transportation Fund to the Central Garage Fund:

(A) in fiscal year 2019 ~~2021~~, ~~\$1,318,442.00~~ \$1,355,358.00; and

(B) in subsequent fiscal years, at a minimum, the amount specified in subdivision (A) of this subdivision (1) as adjusted annually by increasing the previous fiscal year's amount by the percentage increase in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) during the ~~previous~~ two most recently closed State fiscal year years.

* * * State Aid for Town Highways * * *

Sec. 17. 19 V.S.A. § 306(a) is amended to read:

§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

(a) General State aid to town highways.

(1) An annual appropriation to class 1, 2, and 3 town highways shall be made. This appropriation shall increase over the previous fiscal year's appropriation by the same percentage as the following, whichever is less:

(A) the year-over-year increase in the two most recently closed fiscal years in the Agency's total appropriations ~~in the previous fiscal year~~ funded by Transportation Fund revenues, excluding ~~the appropriation~~ appropriations for town highways under this subsection (a) ~~for that year~~; or

(B) the percentage increase in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) during the ~~previous State fiscal year~~ same period in subdivision (1)(A) of this subsection.

(2) If the year-over-year change in appropriations specified in either subdivision (1)(A) or (B) of this subsection is negative, then the appropriation to town highways under this subsection shall be equal to the previous fiscal year's appropriation.

(3) The funds appropriated shall be distributed to towns as follows:

(A) Six percent of the State's annual town highway appropriation shall be apportioned to class 1 town highways. The apportionment for each town shall be that town's percentage of class 1 town highways of the total class 1 town highway mileage in the State.

(B) Forty-four percent of the State's annual town highway appropriation shall be apportioned to class 2 town highways. The apportionment for each town shall be that town's percentage of class 2 town highways of the total class 2 town highway mileage in the State.

(C) Fifty percent of the State's annual town highway appropriation shall be apportioned to class 3 town highways. The apportionment for each town shall be that town's percentage of class 3 town highways of the total class 3 town highway mileage in the State.

(D) Monies apportioned under subdivisions (1), (2), and (3) of this subsection shall be distributed to each town in quarterly payments beginning July 15 in each year.

(E) Each town shall use the monies apportioned to it solely for town highway construction, improvement, and maintenance purposes or as the nonfederal share for public transit assistance. These funds may also be used for the establishment and maintenance of bicycle routes and sidewalks. The members of the selectboard shall be personally liable to the State, in a civil action brought by the Attorney General, for making any unauthorized expenditures from money apportioned to the town under this section.

* * * Public Transit Funding * * *

Sec. 18. 24 V.S.A. § 5083 is amended to read:

§ 5083. DECLARATION OF POLICY

(a) It shall be the State’s policy to make maximum use of available federal funds for the support of public transportation. State operating support funds shall be included in Agency operating budgets to the extent that funds are available. State policy shall support the maintenance of existing public transit services and creation of new services including, ~~in order of precedence,~~ the following goals:

(1) Provision for basic mobility for transit-dependent persons, as defined in the current public transit policy plan of ~~January 15, 2000~~, including meeting the performance standards for urban, suburban, and rural areas. The density of a service area’s population is an important factor in determining whether the service offered is fixed route, demand-response, or volunteer drivers.

(2) Expanding public transit service in rural areas and increasing ridership statewide.

(3) Access to employment, including creation of demand-response service.

~~(3)~~(4) Congestion mitigation to preserve air quality, decrease greenhouse gas emissions, and ~~the sustainability of~~ sustain the highway network.

~~(4)~~(5) Advancement of economic development objectives, including services for workers and visitors that support the travel and tourism industry. Applicants for “new starts” in this service sector shall demonstrate a high level of locally derived income for operating costs from fare-box recovery, contract income, or other income.

(b) The Agency of Transportation shall evaluate proposals for new public transit service submitted by providers in response to a notice of funding availability, by examining feasibility studies submitted by providers. The feasibility studies shall address criteria set forth in the most recent public transit policy plan.

(c) The Agency, in cooperation with the Public Transit Advisory Council, shall adopt appropriate performance and service standards for transit systems receiving federal or State assistance. The Agency of Transportation shall provide guidance, training, funding, and technical assistance to transit systems in order to meet the performance and service standards established.

(d) The Agency of Transportation shall provide written guidance, funding, and technical assistance in the preparation of financial and management plans for public transit systems for each fiscal year. To provide a foundation for financial stability and reliability in the provision of transportation services to the public, the Agency of Transportation shall, in cooperation with the Public Transit Advisory Council, establish both short and long-range fiscal, operating, and capital investment plans to support the goals outlined in this section and regional transportation development plan proposals and regional plans as required by section 5089 of this title.

Sec. 19. 24 V.S.A. § 5091(i) is amended to read:

(i) To implement The Agency of Transportation shall distribute State and federal funds to public transit systems through an annual competitive program that implements the public transportation policy goals set forth in section 5083 of this title and 19 V.S.A. § 10f, ~~the Agency of Transportation shall use the following formula for distribution of operating funds to public transit systems:~~

~~(1)(A) 10 percent based on the percentage of the State's population of elders (persons age 60 and above) in each of the designated transit service areas;~~

~~(B) 10 percent based on the percentage of the State's youth population (persons ages 12 through 17) in each of the designated transit service areas;~~

~~(C) 10 percent based on the percentage of the State's population of people who have limited physical mobility in each of the designated transit service areas;~~

~~(D) 10 percent based on the percentage of the State's population of people who are in poverty in each of the designated transit service areas;~~

~~(E) 10 percent based on the percentage of the State's households lacking access to an automobile in each of the designated transit service areas.~~

[Repealed]

(2) ~~20 percent of operating funds shall be based on need for employment transportation, as measured by the percentage of the State's employed persons residing in each of the designated transit service areas, using data developed by the Vermont Department of Labor. [Repealed.]~~

(3) ~~15 percent of operating funds shall be based on the need for congestion mitigation and air quality, as measured by the percentage of the State's overall population living in high density areas in each of the designated transit service areas, using data from the U.S. Bureau of the Census. [Repealed.]~~

(4) ~~15 percent of the operating funds shall be based on need for economic development transportation, as measured by the percentage of the State's jobs in each of the designated transit service areas, using data developed annually by the Vermont Department of Labor. [Repealed.]~~

* * * Public Transit Study * * *

Sec. 20. STUDY OF METHODS TO INCREASE PUBLIC TRANSIT RIDERSHIP IN VERMONT

(a) The Agency of Transportation shall, in consultation with stakeholders, study methods to increase use of public transit in Vermont for both residents and visitors. This study shall review the Agency's current initiatives and those in other territories, states, and countries; review literature, marketing, and activities regarding methods to increase ridership with special emphasis on rural areas; determine unmet needs from current studies; examine the benefit of providing local connectivity to transit; and evaluate what factors affect public transit ridership in Vermont.

(c) The Agency shall deliver a written report of its findings and any recommendations, including where and how to make the most effective improvements in service and criteria to use to determine the priorities of investments, to the House and Senate Committees on Transportation on or before January 15, 2020.

(d) The Agency shall evaluate recommendations for potential inclusion in its fiscal year 2021 budget proposal and estimated funding necessary to achieve the recommendations for any new initiatives identified in the study.

* * * State Highway Condemnation and Acquisition * * *

Sec. 21. 19 V.S.A. § 503(d) is amended to read:

(d) Notice and other documents. The Agency shall hand-deliver or send by mail to ~~interested persons~~ owners of property to be acquired a notice of

procedures and rights and the offer of just compensation. The notice of procedures and rights shall include an explanation of the proposed State highway project and its purpose, and statements that:

* * *

Sec. 22. 19 V.S.A. § 504(a) is amended to read:

(a) Verified complaint. If a property owner has not entered into an agreement stipulating to the necessity of a taking and the public purpose of a highway project, and the Agency wishes to proceed with the taking, the Agency shall file a verified complaint in the Civil Division of the Superior Court in a county where the project is located seeking a judgment of condemnation. The complaint shall name as defendants each ~~interested person~~ property owner who has not stipulated to a proposed taking, and shall include:

(1) ~~statements~~ Statements that the Agency has complied with subsection 503(d) of this chapter;

(2) ~~the~~ The Agency's written determination of necessity;

(3) ~~a~~ A general description of the negotiations undertaken; ~~and~~

(4) ~~a~~ A survey of the proposed project, and legal descriptions of the property and of the interests therein proposed to be taken. As used in this subdivision, "survey" means a plan, profile, or cross section of the proposed project. The survey and legal descriptions served upon the property owner only need to include the particular property or properties at issue.

Sec. 23. 19 V.S.A. § 502(a) is amended to read:

(a) Authority. The Agency, when in its judgment the ~~interest~~ interests of the State ~~requires~~ require, may take any property necessary to lay out, relocate, alter, construct, reconstruct, maintain, repair, widen, grade, or improve any State highway, including affected portions of town highways. In furtherance of these purposes, the Agency may enter upon lands to conduct necessary examinations and surveys; however, the Agency shall do this work with minimum damage to the land and disturbance to the owners and shall be subject to liability for actual damages. All property taken permanently shall be taken in fee simple whenever practicable. The Agency's acquisition of property pursuant to this chapter, whether by condemnation or conveyance in lieu of condemnation, shall not require subdivision approval under any law, regulation, or municipal ordinance. For all State highway projects involving property acquisitions, the Agency shall follow the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act (~~"Act"~~) (Act) and its implementing regulations, as may be amended.

* * * Public-Private Partnership (P3) Definition * * *

Sec. 24. 19 V.S.A. § 2612(4) is amended to read:

(4) “Public-private partnership” or “P3” means an alternative project delivery mechanism that may be used by the Agency to permit private sector participation in a project, including in its financing, development, operation, management, ownership, leasing, or maintenance. As used in this subchapter, “partnership” shall refer solely to a “public-private partnership” and “partner” shall refer to the State or to the private entity participant or participants in a public-private partnership.

* * * Highway Work; Minimum Wages * * *

Sec. 25. 19 V.S.A. § 18 is amended to read:

§ 18. WAGES

In making up specifications and advertising for bids on highway work, the ~~board~~ Agency shall fix, subject to local conditions, the minimum wage per hour for various classes of labor and the minimum to be paid per hour or per cubic yard for trucks ~~which~~ that the contractor shall be bound to pay.

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

Sec. 26. 23 V.S.A. § 1095a(d) is added to read:

(d) 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.

* * * School Bus Driver Blood Alcohol Content Limitation * * *

Sec. 27. 23 V.S.A. § 1201(a) is amended to read:

(a) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway:

(1) when the person’s alcohol concentration is 0.08 or more, or 0.02 or more if the person is operating a school bus ~~as defined in subdivision 4(34) of this title~~ vehicle when the operation requires an operator’s license with a school bus endorsement; or

* * *

* * * Evidentiary Blood Sample * * *

Sec. 28. 23 V.S.A. § 1203(b) is amended to read:

(b) Only a physician, licensed nurse, medical technician, physician assistant, medical technologist, ~~or~~ laboratory assistant, intermediate or advanced emergency medical technician, or paramedic acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the presence of alcohol or ~~other~~ another drug. This limitation does not apply to the taking of a breath sample. A medical facility or business may not charge more than \$75.00 for services rendered when an individual is brought to a facility for the sole purpose of an evidentiary blood sample or when an emergency medical technician or paramedic draws an evidentiary blood sample.

* * * Electric Vehicle Definitions * * *

Sec. 29. 23 V.S.A. § 4(85) is added to read:

(85) “Plug-in electric vehicle” means a motor vehicle that can be powered by an electric motor drawing current from a rechargeable energy storage system, such as from storage batteries or other portable electrical energy storage devices provided that the vehicle can draw recharge energy from a source off the vehicle such as electric vehicle supply equipment. A “plug-in electric vehicle” includes both a motor vehicle that can only be powered by an electric motor drawing current from a rechargeable energy storage system and a motor vehicle that can be powered by an electric motor drawing current from a rechargeable energy storage system but also has an onboard combustion engine.

Sec. 30. 30 V.S.A. § 201 is amended to read:

§ 201. DEFINITIONS

(a) As used in this chapter, ~~the word~~ “company”:

(1) “Company” or “companies” means and includes individuals, partnerships, associations, corporations, and municipalities owning or conducting any public service business or property used in connection therewith and covered by the provisions of this chapter. The term “company” or “companies” also includes electric cooperatives organized and operating under chapter 81 of this title, the Vermont Public Power Supply Authority to the extent not inconsistent with chapter 84 of this title, and the Vermont Hydroelectric Power Authority to the extent not inconsistent with chapter 90 of this title. In the context of actions requiring prior approval under section 107 of this title, the term “company” shall also mean any individual, partnership, association, corporation, group, syndicate, operating division, joint stock company, trust, other entity, or municipality which would be defined as a company pursuant to this section if such approval were to be

granted.

(2) “Electric vehicle supply equipment” means a device or system designed and used specifically to transfer electrical energy to a plug-in electric vehicle as defined in 23 V.S.A. § 4(85), either as charge transferred via a physical or wireless connection, by loading a fully charged battery, or by other means. “Electric vehicle supply equipment available to the public” shall:

(A) be located at a publicly available parking space, which does not include a parking space that is part of or associated with a private residence or a parking space that is reserved for the exclusive use of an individual driver, vehicle, or group of drivers or vehicles including employees, tenants, visitors, residents of a common interest development, residents of an adjacent building, or customers of a business whose primary business is not electric vehicle charging;

(B) disclose all charges for the use of the electric vehicle supply equipment at the point of sale; and

(C) provide multiple payment options that allow access by the public, if a fee is required, and shall not require persons desiring to use such public electric vehicle supply equipment to pay a subscription fee or otherwise obtain a membership in any club, association, or organization as a condition of using such electric vehicle supply equipment, but may have different price schedules that are conditioned on a subscription or membership in a club, association, or organization.

~~(b) As used in this chapter, “energy”~~

(3) “Energy” means not only the traditional scientific characteristic of “ability to do work” but also the substances or processes used to produce heat, light, or motion, including petroleum or other liquid fuels, natural or synthetic fuel gas, solid carbonaceous fuels, solar radiation, geothermal sources, nuclear sources, biomass, organic waste products, wind, or flowing water.

Sec. 31. 9 V.S.A. § 2651(14) is amended to read:

(14) “Weights and measures” means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with any or all such instruments and devices including electric vehicle supply equipment available to the public, as defined in subdivision 2730(a)(14) of this title, but not including meters for the measurement of electricity, gas (natural or manufactured), or water when they are operated in a public utility system. Such electricity, gas, and water meters are specifically excluded from the purview of this chapter, and this chapter shall not apply to such meters or to any appliances or accessories associated

therewith.

Sec. 32. 9 V.S.A. § 2730(a)(14) is added to read:

(14) “Electric vehicle supply equipment” and “electric vehicle supply equipment available to the public” have the same meanings as in 30 V.S.A. § 201.

* * * Net Metering at Electric Vehicle Supply Equipment * * *

Sec. 33. 30 V.S.A. § 8002(16) is amended to read:

(16) “Net metering system” means a plant for generation of electricity that:

(A) is of no more than 500 kW capacity;

(B) operates in parallel with facilities of the electric distribution system;

(C) is intended primarily to offset the customer’s own electricity requirements and does not supply electricity to electric vehicle supply equipment, as defined in section 201 of this title, for the for profit resale of electricity to the public by the kWh or for other retail sales to the public, including those based in whole or in part on a flat fee per charging session or a time-based fee for occupying a parking space while using electric vehicle supply equipment; and

(D)(i) employs a renewable energy source; or

(ii) is a qualified micro-combined heat and power system of 20 kW or fewer that meets the definition of combined heat and power in subsection 8015(b) of this title and uses any fuel source that meets air quality standards.

* * * Vehicle Incentive and Emissions Repair Programs * * *

Sec. 34. VEHICLE INCENTIVE AND EMISSIONS REPAIR PROGRAMS

(a) Vehicle incentive and emissions repair programs administration. The Agency of Transportation (Agency), in consultation with the Agency of Natural Resources, the Agency of Human Services, the Department of Public Service, Vermont electric distribution utilities that are offering incentives for PEVs, and the State’s network of community action agencies, shall establish and administer the programs described in subsections (b) and (c) of this section. The Agency is authorized to spend \$1,500,000.00 on the two programs. Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the two programs and up to \$150,000.00 of program funding

may be set aside for this purpose. The Agency shall annually evaluate the two programs to gauge effectiveness and submit a written report on the effectiveness of the programs to the House and Senate Committees on Transportation, the House Committee on Energy and Technology, and the Senate Committee on Finance on or before the 31st day of December in each year that an incentive or repair voucher is provided through one of the programs.

(b) Electric vehicle incentive program. A new PEV purchase and lease incentive program for Vermont residents shall structure PEV purchase and lease incentive payments by income to help all Vermonters benefit from electric driving, including Vermont's most vulnerable. Specifically, the program shall:

(1) apply to both purchases and leases of new PEVs with an emphasis on creating and matching incentives for exclusively electric powered vehicles that do not contain an onboard combustion engine;

(2) provide incentives to Vermont households with low and moderate income at or below 140 percent of the State's prior five-year average Median Household Income (MHI) level; and

(3) apply to manufactured PEVs with a Base Manufacturer's Suggested Retail Price (MSRP) of \$40,000.00 or less.

(c) High fuel efficiency vehicle incentive and emissions repair program. A used high fuel efficiency vehicle purchase incentive and emissions repair program for Vermont residents shall structure high fuel efficiency purchase incentive payments and emissions repair vouchers by income to help all Vermonters benefit from more efficient driving, including Vermont's most vulnerable. Specifically, the program shall:

(1) apply to purchases of used high fuel efficient motor vehicles, which for purposes of this program shall be pleasure cars with a combined city/highway fuel efficiency of at least 40 miles per gallon or miles per gallon equivalent as rated by the Environmental Protection Agency when the vehicle was new, and repairs of certain vehicles that failed the on board diagnostic (OBD) systems inspection;

(2) base eligibility on the same criteria used for income qualification for weatherization services through the Weatherization Program and provide vouchers through the State's network of community action agencies; and

(3) provide one of the following to qualifying individuals:

(A) a point-of-sale voucher of up to \$5,000.00 to assist in the purchase of a used high fuel efficient motor vehicle that may require that a

condition of the voucher be that if the individual is the owner of either a motor vehicle that failed the OBD systems inspection or a motor vehicle that is more than 15 years old and has a combined city/highway fuel efficiency of less than 25 miles per gallon as rated by the Environmental Protection Agency when the vehicle was new that the vehicle will be removed from operation and either donated to a non-profit organization to be used for parts or destroyed; or

(B) a point-of-repair voucher to repair a motor vehicle that was ready for testing, failed the OBD systems inspection, requires repairs that are not under warranty, and will be able to pass the State's vehicle inspection once the repairs are made provided that the point-of-repair voucher is commensurate with the fair market value of the vehicle to be repaired and does not exceed \$2,500.00, with \$2,500.00 vouchers only being available to repair vehicles with a fair market value of at least \$5,000.00.

* * * Public Utility Commission Report * * *

Sec. 35. PUBLIC UTILITY COMMISSION TARIFF DESIGN REPORT

As a follow up to the report due on or before July 1, 2019, the Public Utility Commission, in consultation with those Vermont electric distribution utilities that wish to participate, the Agency of Transportation, the Department of Public Service, and Efficiency Vermont, shall report back to the Senate Committees on Transportation and on Natural Resources and Energy and the House Committees on Transportation and on Energy and Technology on or before December 15, 2019 concerning the steps necessary to implement fees on PEV charging if fees are to be collected on PEV charging:

(1) Fees and assessments. Whether or not electric distribution utilities should collect both a transportation efficiency fee, as defined in subdivision (A) of this subdivision, and a transportation infrastructure assessment, as defined in subdivision (B) of this subdivision, or just a transportation infrastructure assessment and how best to implement:

(A) A transportation efficiency fee. A per-kWh transportation efficiency fee on electricity provided by an electric distribution utility for electric vehicle supply equipment equal to the energy efficiency charge rate set by the Commission, and to be charged instead of an energy efficiency charge; and

(B) A transportation infrastructure assessment. A per-kWh transportation infrastructure assessment on electricity provided by an electric distribution utility for electric vehicle supply equipment.

(2) Electric vehicle charging tariff design. The design of an electric vehicle charging tariff for electric utilities with more than 17,000 customers,

and other electric utilities at their discretion, that allows a customer, including a company that owns and operates electric vehicle supply equipment, to purchase electricity solely to charge a plug-in electric vehicle. The report should consider whether the tariff should:

(A) contain either a time-of-day or off-peak rate, as elected by the electric utility that takes advantage of lower-cost electricity and minimizes adverse grid effects and investment costs, maximizes the grid benefits of PEV charging, including electric distribution utility control of charging, and reduces the negative environmental effects of burning fossil fuels for transportation and electrical generation;

(B) include the per-kWh transportation efficiency fee;

(C) include the per-kWh transportation infrastructure assessment;

(D) offer a customer the option to purchase electricity from the utility's current mix of energy supply sources or entirely from renewable energy sources;

(E) include a mechanism to allow the recovery of costs reasonably necessary to comply with electric vehicle charging tariff setting, such as costs to inform and educate customers about the financial, energy conservation, and environmental benefits of electric vehicles and to publicly advertise and promote participation in a customer-optional tariff;

(F) provide for clear and transparent customer billing statements including the amount of energy consumed under the tariff;

(G) incorporate any necessary costs of metering or submetering within the rate charged to the customer; and

(H) factor in other considerations as the Commission deems appropriate.

(3) Reporting by electric distribution utilities. Whether there should be a mandatory periodic report from electric distribution utilities to the Commission and what should be included in those reports, consideration should be given to:

(A) participation and impact highlights, including participation levels and new electric vehicle supply equipment installed by county;

(B) the overall costs and benefits of the tariff, including any changes or issues encountered during the reporting period; and

(C) other data required by the Commission.

(4) Incremental revenue and costs. The amount of incremental revenue

to electric distribution utilities expected to be generated by PEVs and all other financial benefits that PEVs may bring to electric distribution utilities over the next 10 years, whether there are necessary costs and technical feasibility problems to meter PEV charging separate from other electrical demand on the same account, and all other costs expected to be incurred by the electric distribution utilities related to PEV deployment and associated infrastructure.

(5) Net metering. How to address the use of net metering energy and net metering energy credits for electric vehicle supply equipment.

* * * Reporting by the Agency of Agriculture, Food and Markets * * *

Sec. 36. REPORTING BY THE AGENCY OF AGRICULTURE, FOOD AND MARKETS

(a) The Agency of Agriculture, Food and Markets shall file a written report with the Senate Committees on Transportation and on Finance and the House Committees on Transportation and on Ways and Means on or before December 1, 2019 that provides an update on the National Institute of Standards and Technology's progress towards adopting a code on electric vehicle fueling systems and makes a recommendation for an annual licensing fee for electric vehicle supply equipment available to the public for inclusion in 9 V.S.A. § 2730(f)(1).

(b) If the National Institute of Standards and Technology has not adopted a code on electric vehicle fueling systems by December 1, 2020 then the Agency of Agriculture, Food and Markets shall file a written report with the House and Senate Committees on Transportation on or before December 1, 2020 that provides an update on the National Institute of Standards and Technology's progress towards adopting a code on electric vehicle fueling systems.

* * * Fees for Use of Electric Vehicle Supply Equipment * * *

Sec. 37. 32 V.S.A. § 604 is added to read:

§ 604. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES

Notwithstanding any other provision of this subchapter, any agency or department that owns or controls electric vehicle supply equipment, as defined in 30 V.S.A. § 201, may establish, set, and adjust fees for the use of that electric vehicle supply equipment. The agency or department may establish fees for electric vehicle charging at less than its costs, to cover its costs, or equal to the retail rate charged for the use of electric vehicle supply equipment available to the public. Fees collected under this section shall be deposited in the same fund or account within a fund from which the electric operating expense for the electric vehicle supply equipment originated.

Sec. 38. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES REPEAL

32 V.S.A. § 604 (electric vehicle supply equipment fees) is repealed on July 1, 2022.

* * * Jurisdiction Over Electric Vehicle Supply Equipment * * *

Sec. 39. 30 V.S.A. § 203 is amended to read:

§ 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

The Public Utility Commission and the Department of Public Service shall have jurisdiction over the following described companies within the State, their directors, receivers, trustees, lessees, or other persons or companies owning or operating such companies and of all plants, lines, exchanges, and equipment of such companies used in or about the business carried on by them in this State as covered and included herein. Such jurisdiction shall be exercised by the Commission and the Department so far as may be necessary to enable them to perform the duties and exercise the powers conferred upon them by law. The Commission and the Department may, when they deem the public good requires, examine the plants, equipment, lines, exchanges, stations, and property of the companies subject to their jurisdiction under this chapter.

(1) A company engaged in the manufacture, transmission, distribution, or sale of gas or electricity directly to the public or to be used ultimately by the public for lighting, heating, or power and so far as relates to their use or occupancy of the public highways.

(2) That part of the business of a company ~~which~~ that consists of the manufacture, transmission, distribution, or sale of gas or electricity directly to the public or to be used ultimately by the public for lighting, heating, or power and so far as relates to their use or occupancy of the public highways.

* * *

(7) Notwithstanding subdivisions (1) and (2) of this section, the Commission and Department shall not have jurisdiction over persons otherwise not regulated by the Commission that is engaged in the siting, construction, ownership, operation, or control of a facility that sells or supplies electricity to the public exclusively for charging a plug-in electric vehicle, as defined in 23 V.S.A. § 4(85). These persons may charge by the kWh for owned or operated electric vehicle supply equipment, as defined in 30 V.S.A. § 201, but shall not be treated as an electric distribution utility just because electric vehicle supply equipment charges by the kWh.

* * * State Vehicle Fleet * * *

Sec. 40. 29 V.S.A. § 903(g) is amended to read:

(g) ~~The Commissioner of Buildings and General Services, when purchasing or leasing vehicles for State use shall consider vehicles using alternative fuels when the alternative fuel is suitable for the vehicle's operation, is available in the region where the vehicle will be used, and is competitively priced with traditional fuels, to the maximum extent practicable, purchase or lease hybrid or plug-in electric vehicles, as defined in 23 V.S.A. § 4(85), but in no instance shall less than 50 percent of the vehicles annually purchased or leased be hybrid or plug-in electric vehicles. The Commissioner shall, whenever possible, purchase or lease the lowest-cost year of the selected make and model, and only the latest year model when it is the least expensive.~~

Sec. 41. 29 V.S.A. § 903(g) is amended to read:

(g) The Commissioner of Buildings and General Services, when purchasing or leasing vehicles for State use shall, to the maximum extent practicable, purchase or lease hybrid or plug-in electric vehicles, as defined in 23 V.S.A. § 4(85), but in no instance shall less than ~~50~~ 75 percent of the vehicles annually purchased or leased be hybrid or plug-in electric vehicles. The Commissioner shall, whenever possible, purchase or lease the lowest-cost year of the selected make and model, and only the latest year model when it is the least expensive.

Sec. 42. 3 V.S.A. § 217(c) is amended to read:

(c) ~~At least 50 percent of the vehicles purchased annually by the Commissioner shall be low emission passenger vehicles~~ The Commissioner of Buildings and General Services shall purchase and lease vehicles for the State Fleet subject to the requirements of 29 V.S.A. § 903(g).

* * * Transportation Alternatives Grant Committee * * *

Sec. 43. 19 V.S.A. § 38 is amended to read:

§ 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

(a) ~~The Transportation Alternatives Grant Committee is created and shall comprise:~~

- ~~(1) the Secretary of Transportation or his or her designee;~~
- ~~(2) a representative from the Division of Historic Preservation appointed by the Secretary of Commerce and Community Development;~~
- ~~(3) one member appointed by the Secretary of Commerce and Community Development to represent the tourism and marketing industry;~~

~~(4) a representative of the Agency of Natural Resources appointed by the Secretary of Natural Resources;~~

~~(5) three municipal representatives appointed by the governing body of the Vermont League of Cities and Towns;~~

~~(6) one member representing and appointed by the governing board of the Vermont Association of Planning and Development Agencies;~~

~~(7) two members from the House designated by the Speaker; and~~

~~(8) two members from the Senate designated by the Committee on Committees. [Repealed.]~~

~~(b) Municipal and legislative members of the Transportation Alternatives Grant Committee shall serve concurrently for two-year terms and the initial appointments of these members shall be made in a manner which allows for them to serve a full legislative biennium. In the event a municipal or legislative member ceases to serve on the Committee prior to the full term, the appointing authority shall fill the position for the remainder of the term. The Committee shall, to the greatest extent practicable, encompass a broad geographic representation of Vermont. [Repealed.]~~

(c) The Transportation Alternatives Grant Program is created. The Grant Program shall be administered by the Agency, and shall be funded in the amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the Recreational Trails Program. Awards shall be made to eligible entities as defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall be limited to the activities authorized under federal law and no more than \$300,000.00 per grant.

(d) Eligible entities awarded a grant must provide all funds required to match federal funds awarded for a Transportation Alternatives project. All grant awards shall be decided and awarded by the Transportation Alternatives Grant Committee Agency.

(e) Transportation Alternatives grant awards shall be announced annually by the Transportation Alternatives Grant Committee Agency not earlier than December and not later than the following March.

(f)(1) In fiscal years 2018 and 2019, all Grant Program funds shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects.

(2) In fiscal years 2020 and 2021, Grant Program funds shall be awarded for any eligible activity and in accordance with the priorities established in subdivision (4) of this subsection.

(3) In fiscal year 2022 and thereafter, \$1,100,000.00 of Grant Program funds, or such lesser sum if all eligible applications amount to less than \$1,100,000.00, shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects.

(4) Regarding Grant Program funds awarded in fiscal years 2020 and 2021, and the balance of Grant Program funds not reserved for environmental mitigation projects in fiscal year 2022 and thereafter, in evaluating applications for Transportation Alternatives grants, the ~~Transportation Alternatives Grant Committee~~ Agency shall give preferential weighting to projects involving as a primary feature a bicycle or pedestrian facility. The degree of preferential weighting and the circumstantial factors sufficient to overcome the weighting shall be in the complete discretion of the ~~Transportation Alternatives Grant Committee~~ Agency.

(g) The Agency shall develop an outreach and marketing effort designed to provide information to communities with respect to the benefits of participating in the Transportation Alternatives Grant Program. The outreach and marketing activities shall include apprising municipalities of the availability of grants for salt and sand sheds. The outreach effort should be directed to areas of the State historically underserved by this Program.

* * * Emissions Inspections * * *

Sec. 44. 23 V.S.A. § 1222(a) is amended to read:

(a) Except for school buses, which shall be inspected as prescribed in section 1282 of this title, and motor buses as defined in subdivision 4(17) of this title, which shall be inspected twice during the calendar year at six-month intervals, all motor vehicles registered in this State shall ~~be inspected~~ undergo a safety and visual emissions inspection once each year and all motor vehicles that are registered in this State and are 15 model years old or less shall undergo an emissions or on board diagnostic (OBD) systems inspection once each year as applicable. Any motor vehicle, trailer, or semi-trailer not currently inspected in this State shall be inspected within 15 days following the date of its registration in the State of Vermont.

Sec. 45. RULEMAKING; IMMEDIATE IMPLEMENTATION

(a) Within 14 days after the effective date of this section, the Commissioner of Motor Vehicles shall file with the Secretary of State a proposed amended rule governing vehicle inspections in this State (Periodic Inspection Manual) that is consistent with amendments to 23 V.S.A. § 1222 in Sec. 44 of this act, with the effect that no motor vehicle that is more than

15 model years old will be required to undergo an emissions or on board diagnostic (OBD) systems inspection.

(b) As soon as practicable after the effective date of this section, the Commissioner shall update the content of inspections conducted through the Automated Vehicle Inspection Program to exclude any requirements of the current Periodic Inspection Manual that are inconsistent with the amendments to 23 V.S.A. § 1222 in Sec. 44 of this act, with the effect that no motor vehicle that is more than 15 model years old will be required to undergo an emissions or OBD systems inspection.

(c) In the event that the Commissioner cannot update the content of inspections conducted through the Automated Vehicle Inspection Program in accordance with subsection (b) of this section within 30 days after the effective date of this section, the Commissioner shall, within 30 days after the effective date of this section, develop and implement a temporary work-around to ensure that no motor vehicle that is more than 15 model years old will be required to undergo an emissions or OBD systems inspection.

* * * Vehicle Feebate Report * * *

Sec. 46. VEHICLE FEEBATE REPORT

The Agency of Transportation, in consultation with the Joint Fiscal Office, shall complete a study and submit a written report to the House and Senate Committees on Transportation on or before October 15, 2019 concerning whether Vermont should establish a time-of-acquisition vehicle feebate program to act as a self-funding incentive program. For purposes of this section, a “vehicle feebate” provides rebates to individuals who purchase or, if applicable, lease efficient vehicles that are funded by fees levied on individuals who purchase or, if applicable, lease inefficient vehicles. The report shall, at a minimum, consider whether vehicle feebates should be structured in steps—one or multiple—or as a continuum; whether there should be separate vehicle feebates for different classes of vehicles and, if so, whether there should be different pivot points for where a fee crosses over to a rebate; and if vehicle feebates should apply to both new and used vehicles and purchased and leased vehicles. The report shall also consider how a time-of-acquisition vehicle feebate program or other funding mechanism could function with the vehicle incentive programs established in Sec. 34 of this act and the level of investment, incentives, feebates, and other monetary incentives and disincentives needed to reach the number of plug-in electric vehicles in Vermont’s Comprehensive Energy Plan.

* * * Weight-Based Annual Registration Report * * *

Sec. 47. WEIGHT-BASED ANNUAL REGISTRATION REPORT

The Agency of Transportation, in consultation with the Joint Fiscal Office, shall complete a study and submit a written report to the House and Senate Committees on Transportation on or before December 15, 2019 concerning the feasibility of implementing an annual motor vehicle registration fee system that addresses road maintenance cost allocations for road traveling motor vehicles based on vehicle weight. Such a registration fee system could be in addition to or in lieu of existing motor vehicle registration fees. The study and report shall, at a minimum, identify, analyze, and make recommendations on: the current motor vehicle registration fee structure, any benefits to establishing a new system that better allocates costs based on vehicle weight; any anticipated implementation difficulties; ways to measure vehicle weight; what types of road traveling motor vehicles could and should be subject to such a registration fee; how to calculate registration fees to best account for weight-based wear on Vermont roads; and how other States have implemented weight-based registration fees.

* * * Sign Law Violation Civil Ticket * * *

Sec. 48. 10 V.S.A. § 503 is amended to read:

§ 503. PENALTY

A person who violates this chapter shall be ~~fin~~ed assessed a civil penalty of not more than \$100.00 or imprisoned not more than 30 days, or both. Each day the violation continues shall be a separate offense.

Sec. 49. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(29) Violations of 10 V.S.A. chapter 21, relating to the prohibition of outdoor advertising.

* * *

* * * Effective Dates * * *

Sec. 50. EFFECTIVE DATES

(a) This section and Secs. 1(b) (act definitions), 12 (BUILD grant), 13 (CRISI grant), 20 (public transit study), 29 (plug-in electric vehicle definition),

30 (electric vehicle supply equipment definition), 33 (net metering), 34 (vehicle incentive and emissions repair programs), 35 (Public Utility Commission report), 36 (Agency of Agriculture, Food and Markets reporting), 39 (PUC jurisdiction), 44 (emissions inspections), 45 (emissions inspections implementation), 46 (vehicle feebate report), and 47 (weight-based annual registration report) shall take effect on passage.

(b) Secs. 31 (weights and measures definition), and 32 (electric vehicle supply equipment definition) shall take effect on the earlier of January 1, 2021 or six months after the National Institute of Standards and Technology adopts code on electric vehicle fueling systems.

(c) Sec. 41 (State vehicle fleet) shall take effect on July 1, 2021.

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

(Committee vote: 4-0-1)

(For House amendments, see House Journal for March 22, 2019, pages 644-645 and March 26, 2019, page 657)

Reported favorably by Senator Campion for the Committee on Finance.

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

(Committee vote: 6-0-1)

Reported favorably with recommendation of proposal of amendment by Senator Kitchel for the Committee on Appropriations.

The Committee recommends that the bill be amended as recommended by the Committee on Transportation with the following amendments thereto:

First: By striking out Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. SPENDING AUTHORITY IN THE MUNICIPAL MITIGATION ASSISTANCE PROGRAM

(a) Spending authority for grants in the Municipal Mitigation Assistance Program in the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is decreased by \$800,000.00 in special funds from the Clean Water Fund.

(b) Spending authority for grants in the Municipal Mitigation Assistance Program in the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is increased by

\$135,000.00 in transportation funds.

(c) If the Agency's fiscal year 2019 maintenance of effort requirement is attained and toll credits are approved by the Federal Highway Administration in fiscal year 2020, then spending authority for grants in the Municipal Mitigation Assistance Program in the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) is further increased by the amount of toll credits approved, but not to exceed \$845,416.64.

Second: In Sec. 34, vehicle incentive and emissions repair programs, by striking out the words "is authorized to spend \$1,500,000.00 on the two programs" and inserting in lieu thereof the words is authorized to spend \$2,000,000.00 as appropriated in the fiscal year 2020 budget on the two programs

Third: By striking out Sec. 50, effective dates, and its accompanying reader assistance heading in their entireties and inserting in lieu thereof the following:

* * * Foreign Driver's License Reciprocity * * *

Sec. 50. 23 V.S.A. § 208 is amended to read:

§ 208. RECIPROCAL RECOGNITION OF NONRESIDENT REGISTRATIONS, LICENSES, AND PERMITS; FOREIGN VISITORS

As determined by the Commissioner, and consistent with section 601 of this title, a motor vehicle owned by a nonresident shall be considered as registered and a nonresident operator shall be considered as licensed or permitted in this State if the nonresident owner or operator has complied with the laws of the foreign country or state of his or her residence relative to the registration of motor vehicles and the granting of ~~operators'~~ operator's licenses or learner's permits. However, these exemptions shall be operative only to the extent that under the laws of the foreign country or state of the owner's or operator's residence like exemptions and privileges are granted to owners of motor vehicles duly registered and to operators duly licensed or permitted under the laws of this State, except that if the owner or operator is a resident of a country not adjoining the United States, the exemptions shall be operative for a period of not more than ~~30 days for vacation purposes~~ one year even if the country does not grant like privileges to residents of this State.

Sec. 51. 23 V.S.A. § 601(a) is amended to read:

(a)(1) Except as otherwise provided by law, a resident shall not operate a motor vehicle on a highway in Vermont unless he or she holds a valid license issued by the State of Vermont. A new resident who has moved into the State

from another jurisdiction and who holds a valid license to operate motor vehicles under section 208 of this title shall procure a Vermont license within 60 days of moving to the State. Except as provided in subsection 603(d) of this title, licenses shall not be issued to nonresidents.

(2) In addition to any other requirement of law, a nonresident as defined in section 4 of this title shall not operate a motor vehicle on a Vermont highway unless:

(A) he or she holds a valid license or permit to operate a motor vehicle issued by another U.S. jurisdiction; or

~~(B) he or she holds a valid license or permit to operate a motor vehicle from a jurisdiction outside the United States and operates for a period of not more than 30 days for vacation purposes; or~~

~~(C) he or she holds a valid license or permit to operate a motor vehicle from a jurisdiction outside the United States and:~~

~~(i) is at least 18 or more years of age, is lawfully present in the United States, and has been in the United States for less not more than one year; and~~

~~(ii) the jurisdiction that issued the license is a party to the 1949 Convention on Road Traffic or the 1943 Convention on the Regulation of Inter-American Motor Vehicle Traffic; and~~

~~(iii) he or she possesses an international driving permit.~~

Sec. 52. 23 V.S.A. § 632(a) is amended to read:

(a) Before an operator's or a junior operator's license is issued to an applicant for the first time in this State, or before a renewal license is issued to an applicant whose previous Vermont license had expired more than three years prior to the application for renewal, the applicant shall pass a satisfactory examination, except that the Commissioner may, in his or her discretion, waive the examination when the applicant holds a chauffeur's or operator's license in force at the time of application or within one year ~~of~~ prior to the application in some other state jurisdiction where an examination is required similar to the examination required in this State.

* * * Effective Dates * * *

Sec. 53. EFFECTIVE DATES

(a) This section and Secs. 1(b) (act definitions), 12 (BUILD grant), 13 (CRISI grant), 20 (public transit study), 29 (plug-in electric vehicle definition), 30 (electric vehicle supply equipment definition), 33 (net metering), 34

(vehicle incentive and emissions repair programs), 35 (Public Utility Commission report), 36 (Agency of Agriculture, Food and Markets reporting), 39 (PUC jurisdiction), 44 (emissions inspections), 45 (emissions inspections implementation), 46 (vehicle feebate report), and 47 (weight-based annual registration report) shall take effect on passage.

(b) Secs. 31 (weights and measures definition), and 32 (electric vehicle supply equipment definition) shall take effect on the earlier of January 1, 2021 or six months after the National Institute of Standards and Technology adopts code on electric vehicle fueling systems.

(c) Sec. 41 (State vehicle fleet) shall take effect on July 1, 2021.

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

(Committee vote: 6-0-1)

H. 542.

An act relating to making appropriations for the support of government.

Reported favorably with recommendation of proposal of amendment by Senator Kitchel for the Committee on Appropriations.

For text of the report of the Committee on Appropriations, see Addendum to Senate Calendar for May 6, 2019.

(Committee vote: 7-0-0)

(No House amendments)

House Proposal of Amendment

S. 40

An act relating to testing and remediation of lead in the drinking water of schools and child care facilities.

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. 18 V.S.A. chapter 24A is added to read:

CHAPTER 24A. LEAD IN DRINKING WATER OF SCHOOLS AND CHILD CARE FACILITIES

§ 1241. PURPOSE

The purpose of this chapter is to require all school districts, supervisory unions, independent schools, and child care providers in Vermont to:

(1) test drinking water in their buildings and child care facilities for lead contamination; and

(2) develop and implement an appropriate response or lead remediation plan when sampling indicates unsafe lead levels in drinking water at a school or child care facility.

§ 1242. DEFINITIONS

As used in this chapter:

(1) “Action level” means five parts per billion (ppb) of lead.

(2) “Alternative water source” means:

(A) water from an outlet within the building or facility that is below the action level; or

(B) containerized, bottled, or packaged drinking water.

(3) “Building” means any structure, facility, addition, or wing that may be occupied or used by children or students.

(4) “Child care provider” has the same meaning as in 33 V.S.A. § 3511.

(5) “Child care facility” or “facility” has the same meaning as in 33 V.S.A. § 3511.

(6) “Commissioner” means the Commissioner of Health.

(7) “Department” means the Department of Health.

(8) “Drinking water” has the same meaning as in 10 V.S.A. § 1671.

(9) “Independent school” has the same meaning as in 16 V.S.A. § 11.

(10) “Outlet” means a drinking water fixture currently or reasonably expected to be used for consumption or cooking purposes, including a drinking fountain, ice machine, or a faucet as determined by a school district, supervisory union, independent school, or child care provider.

(11) “School district” has the same meaning as in 16 V.S.A. § 11.

(12) “Supervisory union” has the same meaning as in 16 V.S.A. § 11.

§ 1243. TESTING OF DRINKING WATER

(a) Scope of testing.

(1) Each school district, supervisory union, or independent school in the State shall collect a drinking water sample from each outlet in the buildings it owns, controls, or operates and shall submit the sample to the Department of Health for testing for lead contamination as required under this chapter.

(2) Each child care provider in the State shall collect a drinking water sample from each outlet in a child care facility it owns, controls, or operates for lead contamination as required under this chapter.

(b) Initial sampling.

(1) On or before December 31, 2020, each school district, supervisory union, independent school, or child care provider in the State shall collect a first-draw sample and a second flush sample from each outlet in each building or facility it owns, controls, or operates. Sampling shall occur during the school year of a school district, supervisory union, or independent school.

(2) At least five days prior to sampling, the school district, supervisory union, independent school, or child care provider shall notify all staff and all parents or guardians of students directly in writing or by electronic means of:

(A) the scheduled sampling;

(B) the requirements for testing, why testing is required, and the potential health effects from exposure to lead in drinking water;

(C) information, provided by the Department of Health, regarding sources of lead exposure other than drinking water;

(D) information regarding how the school district, supervisory union, independent school, or child care provider shall provide notice of the sample results; and

(E) how the school district, supervisory union, independent school, or child care provider shall respond to sample results that are at or above the action level.

(3) The Department may adopt a schedule for the initial sampling by school districts, supervisory unions, independent schools, and child care providers.

(c) Continued sampling. Beginning January 1, 2021, each school district, supervisory union, independent school, or child care provider in the State shall sample each outlet in each building or facility it owns, controls, or operates for lead according to a schedule adopted by the Department by rule under section 1247 of this title.

(d) Interim methodology. Prior to adoption of the rules required under section 1247 of this title, sampling under this section shall be conducted according to a methodology established by the Department of Health, provided that the methodology shall be at least as stringent as the sampling methodology provided for under the U.S. Environmental Protection Agency's 3Ts for Reducing Lead in Drinking Water in Schools and shall include a requirement

for a first draw sample and a second flush sample.

(e) Exceptions.

(1) The testing requirements of subsection (b) of this section shall not apply to a school district, supervisory union, independent school, or child care provider that:

(A) completed testing of all outlets in each building or facility it owns, controls, or operates after November 1, 2017;

(B) conducted testing according to a methodology consistent with the Department methodology established under subsection (d) of this section; and

(C)(i) determined no outlet is at or above the action level for lead; or

(ii) implemented or scheduled remediation that ensures that drinking water from all outlets is below the action level.

(2) A school district, supervisory union, independent school, or child care provider that qualifies for the exception under subdivision (1) of this subsection shall, within 30 days of the effective date of this act, submit a written notice of exception to the Department of Health that shall include the results of testing and a summary of remediation implemented or scheduled.

(3) A school district, supervisory union, independent school, or child care provider that qualifies for the exception under subdivision (1) of this subsection shall be eligible for assistance from the State for the costs of remediation.

(f) Laboratory analysis. The analyses of drinking water samples required under this chapter shall be conducted by the Vermont Department of Health Laboratory or by a certified laboratory under contract to the Department.

§ 1244. RESPONSE TO ACTION LEVEL; NOTICE; REPORTING

If a sample of drinking water under section 1243 of this title indicates that drinking water from an outlet is at or above the action level, the school district, supervisory union, independent school, or child care provider that owns, controls, or operates the building or facility in which the outlet is located shall conduct remediation to eliminate or reduce lead levels in the drinking water from the outlet. At a minimum, the school district, supervisory union, independent school, or child care provider shall:

(1)(A) prohibit use of an outlet that is at or above the action level until:

(i) implementation of a lead remediation plan or other remediation measure that was published or approved by the Commissioner or that is consistent with the U.S. Environmental Protection Agency's 3Ts for Reducing

Lead in Drinking Water in Schools; and

(ii) sampling indicates that lead levels from the outlet are below the action level; or

(B) prohibit use of an outlet that is at or above the action level until the outlet is permanently removed, disabled, or otherwise cannot be accessed by any person for the purposes of consumption or cooking;

(2) provide occupants of the building or child care facility an adequate alternative water source until remediation is performed;

(3) notify all staff and all parents or guardians of students directly of the test results and the proposed or taken remedial action in writing or by electronic means within 10 school days after receipt of the laboratory report;

(4) submit lead remediation plans to the Department as they are completed;

(5) notify all staff and all parents or guardians or students in writing or by electronic means of what remedial actions have been taken; and

(6) submit notice to the Department of Health that remediation plans have been completed.

§ 1245. RECORD KEEPING; PUBLIC NOTIFICATION; DATABASE

(a) Record keeping. The Department of Health shall retain all records of test results, laboratory analyses, lead remediation plans, and notices of exception for 10 years following the creation or acquisition of the record. Records produced or acquired by the Department under this chapter are public records subject to inspection or copying under the Public Records Act.

(b) Public notification. On or before March 1, 2021, the Commissioner shall publish on the Department website the data from testing under section 1243 of this title so that the results of sampling are fully transparent and accessible to the public. The data published by the Department shall include a list of all buildings or facilities owned, controlled, or operated by a school district, supervisory union, independent school, or child care provider at which drinking water from an outlet tested at or above the action level within the previous two years of reported samples. The Commissioner shall publish all retesting data on the Department's website within two weeks of receipt of the relevant laboratory analysis. The Secretary of Education shall include a link on the Agency of Education website to the Department of Health website required under this subsection.

§ 1246. LEAD REMEDIATION PLAN; GUIDANCE; COMMUNICATION

(a) Consultation. When a laboratory analysis of a sample of drinking water from an outlet at a building or facility owned, controlled, or operated by a school district, supervisory union, independent school, or child care provider is at or above the action level, the school district, supervisory union, independent school, or child care provider may consult with the Commissioner regarding the development of a lead remediation plan or other necessary response.

(b) Guidance; lead remediation plan. The Commissioner, after consultation with the Secretary of Natural Resources, the Commissioner for Children and Families, and the Secretary of Education, shall issue guidance on development of a lead remediation plan by a school district, supervisory union, independent school, or child care provider. The guidance provided by the Commissioner shall reference the U.S. Environmental Protection Agency's 3Ts for Reducing Lead in Drinking Water in Schools.

(c) Communications: The Department of Health shall develop sample communications for parents for use by school districts, supervisory unions, independent schools, and child care providers concerning lead in water and reducing exposure to lead under this chapter.

§ 1247. RULEMAKING

(a) The Commissioner shall adopt rules under this chapter to achieve the purposes of this chapter.

(b) On or before November 1, 2020, the Commissioner, with continuing consultation with the Secretary of Natural Resources, the Commissioner for Children and Families, and the Secretary of Education, shall adopt rules regarding the implementation of the requirements of this chapter. The rules shall include:

(1) requirements or guidance for taking samples of drinking water from outlets in a building or facility owned, controlled, or operated by a school district, supervisory union, independent school, or child care provider that are no less stringent than the requirements of the U.S. Environmental Protection Agency's 3Ts for Reducing Lead in Drinking Water in Schools and that include a first draw sample and second flush sample;

(2) the frequency of continued sampling of outlets by school districts, supervisory unions, independent schools, and child care providers, provided that the Department:

(A) may stagger when continued sampling shall occur by school or provider, school type or provider type, or initial sampling results; and

(B) shall, to the degree practicable, maintain the same term of sampling frequency for all school districts, supervisory unions, independent schools, and child care providers;

(3) requirements for implementation of a lead mitigation plan or other necessary response to a report that drinking water from an outlet is at or above the action level;

(4) exemptions from the requirements for sampling or remediation under this chapter, including conditions or criteria for the exceptions from the sampling required under this chapter; and

(5) any other requirements that the Commissioner deems necessary for the implementation of the requirements of this chapter.

§ 1248. ENFORCEMENT; PENALTIES

In addition to any other authority provided by law, the Commissioner of Health or a hearing officer designated by the Commissioner may, after notice and an opportunity for hearing, impose an administrative penalty of up to \$500.00 for a violation of the requirements of this chapter. The hearing before the Commissioner shall be a contested case subject to the provisions of 3 V.S.A. chapter 25.

Sec. 2. 16 V.S.A. § 4001(6) is amended to read:

(6) “Education spending” means the amount of the school district budget, any assessment for a joint contract school, career technical center payments made on behalf of the district under subsection 1561(b) of this title, and any amount added to pay a deficit pursuant to 24 V.S.A. § 1523(b) that is paid for by the school district, but excluding any portion of the school budget paid for from any other sources such as endowments, parental fundraising, federal funds, nongovernmental grants, or other State funds such as special education funds paid under chapter 101 of this title.

* * *

(B) For purposes of calculating excess spending pursuant to 32 V.S.A. § 5401(12), “education spending” shall not include:

* * *

(xi) Costs incurred by a school district or supervisory union when sampling drinking water outlets, implementing lead remediation, or retesting drinking water outlets as required under 18 V.S.A. chapter 24A.

Sec. 3. POSITIONS; SAMPLING OF DRINKING WATER OUTLETS IN SCHOOLS

The establishment of the following new classified limited service positions are authorized in fiscal year 2019:

(1) In the Agency of Natural Resources – environmental analyst V.

(2) In the Department of Health – public health analyst.

Sec. 3a. DEPARTMENT FOR CHILDREN AND FAMILIES; RULES FOR REGULATED CHILD CARE PROVIDERS

On or before December 31, 2020, the Commissioner for Children and Families shall amend the rules for regulated child care providers to comply with the requirements of 18 V.S.A. chapter 24A and rules adopted by the Department of Health under that chapter for the testing of lead in the drinking water of child care facilities.

Sec. 4. STATUS OF REMEDIATION OF LEAD IN SCHOOLS AND CHILD CARE FACILITIES

On or before January 15, 2020, the Commissioner of Health, after consultation with the Secretary of Natural Resources, the Commissioner for Children and Families, and the Secretary of Education, shall provide written or oral testimony to the House Committee on Education and the Senate Committee on Education regarding the implementation, administration, and financing of the requirements under 18 V.S.A. chapter 24A that schools and child care providers sample for and remediate lead in drinking water. The testimony may include recommendations for additional programmatic and technical requirements for sampling for and remediating lead in schools or child care facilities in the State.

Sec. 5. ALLOCATION OF FUNDS; REMEDIATION; ELIGIBLE COSTS

(a) For remediation required under 18 V.S.A. chapter 24A, the Department of Health shall pay a school district, supervisory union, independent school, or child care provider the actual cost of replacement of a drinking water fixture, as evidenced by a receipt submitted to the State, up to the following maximum amount for each type of fixture:

(1) public drinking fountains and ice machines: \$2,000.00;

(2) outlets used for cooking: \$700.00;

(3) all other outlets: \$400.00.

(b) The State shall make payments to school districts, supervisory unions, independent schools, or child care providers under this section from one-time funds appropriated to the Department of Health in fiscal years 2020 and 2021 for the costs of initial testing, retesting, and remediation under 18 V.S.A.

chapter 24A. Funds appropriated to the Department of Health in Sec. 88 (a)(2) of H.532 of 2019 may be transferred to the State agency or department administering these payments.

Sec. 5a. Subdivision (a)(2) of 2019 Acts and Resolves No. 6, Sec. 88 is amended to read:

(2) To the Department of Health: \$2,400,000 to fund in fiscal years 2020 and 2021 testing for lead in drinking water and additional support, retesting, and replacement of drinking water fixtures in schools and child care facilities consistent with the program established in requirements in S.40 of 2019. These funds are allocated as follows:

(A) \$125,000 to fund the limited service program position established in S.40 of 2019.

(B) \$150,000 to fund program start-up and data management costs for the program.

(C) \$2,125,000 to fund the costs of initial testing and, retesting costs and to apply to tap remediation costs, and replacement of drinking water fixtures.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

House Proposal of Amendment

S. 43

An act relating to prohibiting prior authorization requirements for medication-assisted treatment.

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. 8 V.S.A. § 4089b is amended to read:

§ 4089b. HEALTH INSURANCE COVERAGE, MENTAL HEALTH, AND
SUBSTANCE ABUSE USE DISORDER

* * *

(b) As used in this section:

(1) "Health insurance plan" means any health insurance policy or health benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402, except a benefit plan providing coverage for a specific disease or other limited benefit coverage. Health insurance plan includes any health benefit plan offered or administered by the State, or any subdivision or instrumentality of the State.

* * *

(c) A health insurance plan shall provide coverage for treatment of a mental condition and shall:

(1) not establish any rate, term, or condition that places a greater burden on an insured for access to treatment for a mental condition than for access to treatment for other health conditions, including no greater co-payment for primary mental health care or services than the co-payment applicable to care or services provided by a primary care provider under an insured's policy and no greater co-payment for specialty mental health care or services than the co-payment applicable to care or services provided by a specialist provider under an insured's policy;

(2) not exclude from its network or list of authorized providers any licensed mental health or substance abuse provider located within the geographic coverage area of the health benefit plan if the provider is willing to meet the terms and conditions for participation established by the health insurer; and

(3) make any deductible or out-of-pocket limits required under a health insurance plan comprehensive for coverage of both mental and physical health conditions; and

(4) if the plan provides prescription drug coverage, ensure that at least one medication from each drug class approved by the U.S. Food and Drug Administration for the treatment of substance use disorder is available on the lowest cost-sharing tier of the plan's prescription drug formulary.

* * *

Sec. 2. 18 V.S.A. § 4750 is amended to read:

§ 4750. ~~DEFINITION~~ DEFINITIONS

As used in this chapter, ~~“medication-assisted treatment”~~:

(1) “Health insurance plan” has the same meaning as in 8 V.S.A. § 4089b.

(2) “Medication-assisted treatment” means the use of U.S. Federal Food and Drug Administration-approved medications, in combination with counseling and behavioral therapies, to provide a whole patient approach to the treatment of substance use disorders.

Sec. 3. 18 V.S.A. § 4754 is added to read:

§ 4754. LIMITATION ON PRIOR AUTHORIZATION REQUIREMENTS

(a) A health insurance plan shall not require prior authorization for prescription drugs for a patient who is receiving medication-assisted treatment if the dosage prescribed is within the U.S. Food and Drug Administration's dosing recommendations.

(b) A health insurance plan shall not require prior authorization for all counseling and behavioral therapies associated with medication-assisted treatment for a patient who is receiving medication-assisted treatment.

Sec. 4. PRIOR AUTHORIZATION FOR MEDICATION-ASSISTED TREATMENT; MEDICAID; REPORTS

On or before February 1, 2020, 2021, and 2022, the Department of Vermont Health Access shall report to the House Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare regarding prior authorization processes for medication-assisted treatment in Vermont's Medicaid program during the previous calendar year, including which medications required prior authorization; how many prior authorization requests the Department received and, of these, how many were approved and denied; and the average and longest lengths of time the Department took to process a prior authorization request.

Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 2 (18 V.S.A. § 4750) and 4 (prior authorization for medication-assisted treatment; Medicaid; reports) shall take effect on July 1, 2019.

(b) Secs. 1 (8 V.S.A. § 4089b) and 3 (18 V.S.A. § 4754) shall take effect on January 1, 2020 and shall apply to health insurance plans on or after January 1, 2020 on such date as a health insurer issues, offers, or renews the health insurance plan, but in no event later than January 1, 2021.

And that after passage the title of the bill be amended to read:

An act relating to limiting prior authorization requirements for medication-assisted treatment.

House Proposal of Amendment

S. 133

An act relating to juvenile jurisdiction.

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. 33 V.S.A. § 5102 is amended to read:

§ 5102. DEFINITIONS AND PROVISIONS OF GENERAL APPLICATION

As used in the juvenile judicial proceedings chapters:

(1) “Care provider” means a person other than a parent, guardian, or custodian who is providing the child with routine daily care but to whom custody rights have not been transferred by a court.

(2) “Child” means any of the following:

(A) an individual who is under ~~the age of 18~~ 18 years of age and is a child in need of care or supervision as defined in subdivision (3)(A), (B), or (D) of this section (abandoned, abused, without proper parental care, or truant);

(B)(i) an individual who is under ~~the age of 18~~ 18 years of age, is a child in need of care or supervision as defined in subdivision (3)(C) of this section (beyond parental control), and was under ~~the age of 16~~ 16 years of age at the time the petition was filed; or

(ii) an individual who is between ~~the ages of 16 to 17.5~~ 16 to 17.5 years of age, is a child in need of care or supervision as defined in subdivision (3)(C) of this section (beyond parental control), and who is at high risk of serious harm to himself or herself or others due to problems such as substance abuse, prostitution, or homelessness.

(C) An individual who has been alleged to have committed or has committed an act of delinquency after becoming 10 years of age and prior to becoming 22 years of age, unless otherwise provided in chapter 52 or 52A of this title; provided, however:

(i) ~~that an individual who is alleged to have committed an act specified in subsection 5204(a) of this title after attaining 12 years of age but not 14 years of age may be treated as an adult as provided therein;~~

(ii) ~~that an individual who is alleged to have committed an act specified in subsection 5204(a) of this title after attaining the age of 14 but not the age of 16 shall be subject to criminal proceedings as in cases commenced against adults, unless transferred to the court in accordance with the juvenile judicial proceedings chapters;~~

(iii) that an individual who is alleged to have committed an act before attaining 10 years of age which would be murder as defined in 13 V.S.A. § 2301 if committed by an adult may be subject to delinquency

proceedings; and

(iv)(ii) that an individual may be considered a child for the period of time the court retains jurisdiction under section 5104 of this title.

* * *

(9) “Delinquent act” means an act designated a crime under the laws of this State, or of another state if the act occurred in another state, or under federal law. A delinquent act shall include a violation of 7 V.S.A. § 656; however, it shall not include:

(A) snowmobile offenses in 23 V.S.A. chapter 29, subchapter 1 and motorboat offenses in 23 V.S.A. chapter 29, subchapter 2, except for violations of sections 3207a, 3207b, 3207c, 3207d, and 3323;

(B) pursuant to 4 V.S.A. § 33(b), felony motor vehicle offenses committed by an individual who is 16 years of age or older, except for violations of 23 V.S.A. chapter 13, subchapter 13 and of 23 V.S.A. § 1091.

(10) “Delinquent child” means a child who has been adjudicated to have committed a delinquent act.

(11) “Department” means the Department for Children and Families.

(12) “Guardian” means a person who, at the time of the commencement of the juvenile judicial proceeding, has legally established rights to a child pursuant to an order of a Vermont court or a court in another jurisdiction.

(13) “Judge” means a judge of the Family Division of the Superior Court.

(14) “Juvenile judicial proceedings chapters” means this chapter and chapters 52, 52A, and 53 of this title.

* * *

Sec. 2. 33 V.S.A. § 5103 is amended to read:

§ 5103. JURISDICTION

(a) The Family Division of the Superior Court shall have exclusive jurisdiction over all proceedings concerning a child who is or who is alleged to be a delinquent child or a child in need of care or supervision brought under the authority of the juvenile judicial proceedings chapters, except as otherwise provided in such chapters.

(b) Orders issued under the authority of the juvenile judicial proceedings chapters shall take precedence over orders in other Family Division proceedings and any order of another court of this State, to the extent they are

inconsistent. This section shall not apply to child support orders in a divorce, parentage, or relief from abuse proceedings until a child support order has been issued in the juvenile proceeding.

(c)(1) Except as otherwise provided by this title and by subdivision (2) of this subsection, jurisdiction over a child shall not be extended beyond the child's 18th birthday.

(2)(A) Jurisdiction over a child with a pending delinquency may be extended until six months beyond the child's 19th birthday if the child was 16 or 17 years of age when he or she committed the offense.

(B) In no case shall custody of a child or youth 18 years of age or older be retained by or transferred to the Commissioner for Children and Families.

(C) Jurisdiction over a child in need of care or supervision shall not be extended beyond the child's 18th birthday.

(D) Jurisdiction over a youthful offender shall not extend beyond the youth's 22nd birthday.

(d) The ~~Court~~ court may terminate its jurisdiction over a child prior to the child's 18th birthday by order of the court. If the child is not subject to another juvenile proceeding, jurisdiction shall terminate automatically in the following circumstances:

(1) upon the discharge of a child from juvenile or youthful offender probation, providing the child is not in the legal custody of the Commissioner;

(2) upon an order of the court transferring legal custody to a parent, guardian, or custodian without conditions or protective supervision;

(3) upon the adoption of a child following a termination of parental rights proceeding.

Sec. 3. 33 V.S.A. § 5201 is amended to read:

§ 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

(a) Proceedings under this chapter shall be commenced by:

(1) transfer to the court of a proceeding from another court as provided in section 5203 of this title; or

(2) the filing of a delinquency petition by a State's Attorney.

(b) If the proceeding is commenced by transfer from another court, no petition need be filed; however, the State's Attorney shall provide to the court the name and address of the child's custodial parent, guardian, or custodian

and the name and address of any noncustodial parent if known.

(c) Any proceeding concerning a child who is alleged to have committed an act specified in subsection 5204(a) of this title after attaining 14 years of age, but not ~~18~~ 22 years of age, shall originate in the Criminal Division of the Superior Court, provided that jurisdiction may be transferred in accordance with this chapter and chapter 52A of this title, unless the State's Attorney files the charge directly as a youthful offender petition in the Family Division.

* * *

Sec. 4. 33 V.S.A. § 5280 is amended to read:

§ 5280. COMMENCEMENT OF YOUTHFUL OFFENDER
PROCEEDINGS IN THE FAMILY DIVISION

(a) A proceeding under this chapter shall be commenced by:

- (1) the filing of a youthful offender petition by a State's Attorney; or
- (2) transfer to the Family Court of a proceeding from the Criminal Division of the Superior Court as provided in section 5281 of this title.

(b) A State's Attorney may commence a proceeding in the Family Division of the Superior Court concerning a child who is alleged to have committed an offense after attaining ~~16~~ 14 years of age but not 22 years of age that could otherwise be filed in the Criminal Division.

(c) If a State's Attorney files a petition under subdivision (a)(1) of this section, the case shall proceed as provided under subsection 5281(b) of this title.

(d) Within 15 days after the commencement of a youthful offender proceeding pursuant to subsection (a) of this section, the youth shall be offered a risk and needs screening, which shall be conducted by the Department or by a community provider that has contracted with the Department to provide risk and needs screenings. The risk and needs screening shall be completed prior to the youthful offender status hearing held pursuant to section 5283 of this title. Unless the court extends the period for the risk and needs screening for good cause shown, the Family Division shall reject the case for youthful offender treatment if the youth does not complete the risk and needs screening within 15 days of the offer for the risk and needs screening.

(1) The Department or the community provider shall report the risk level result of the screening, the number and source of the collateral contacts made, and the recommendation for charging or other alternatives to the State's Attorney.

(2) Information related to the present alleged offense directly or indirectly derived from the risk and needs screening or other conversation with the Department or community-based provider shall not be used against the youth in the youth's criminal or juvenile case for any purpose, including impeachment or cross-examination. However, the fact of participation in risk and needs screening may be used in subsequent proceedings.

(e) If a youth presents a low to moderate risk to reoffend based on the results of the risk and needs screening, the State's Attorney shall refer a youth directly to court diversion unless the State's Attorney states on the record at the hearing held pursuant to section 5283 of this title why a referral would not serve the ends of justice. If the court diversion program does not accept the case or if the youth fails to complete the program in a manner deemed satisfactory and timely by the provider, the youth's case shall return to the State's Attorney for charging consideration.

Sec. 5. 33 V.S.A. § 5281 is amended to read:

§ 5281. MOTION IN CRIMINAL DIVISION OF SUPERIOR COURT

(a) A motion may be filed in the Criminal Division of the Superior Court requesting that a defendant under 22 years of age in a criminal proceeding who had attained 12 years of age but not 22 years of age at the time the offense is alleged to have been committed be treated as a youthful offender. The motion may be filed by the State's Attorney, the defendant, or the court on its own motion.

(b) ~~Upon~~ Unless the State's Attorney refers the youth directly to court diversion pursuant to subsection 5280(e) of this title, upon the filing of a motion under this section or the filing of a youthful offender petition pursuant to section 5280 of this title, the Family Division shall hold a hearing pursuant to section 5283 of this title. Pursuant to section 5110 of this title, the hearing shall be confidential. Copies of all records relating to the case shall be forwarded to the Family Division. Conditions of release and any Department of Corrections supervision or custody shall remain in effect until:

(1) the Family Division accepts the case for treatment as a youthful offender and orders conditions of juvenile probation pursuant to section 5284 of this title;

(2) any conditions of release or bail are modified, amended, or vacated pursuant to 13 V.S.A. chapter 229; or

(3) the case is otherwise concluded.

(c)(1) If the Family Division rejects the case for youthful offender treatment pursuant to subsection 5284 of this title, the case shall be transferred

to the Criminal Division. The conditions of release imposed by the Criminal Division shall remain in effect, and the case shall proceed as though the motion for youthful offender treatment or youthful offender petition had not been filed.

(2) Subject to Rule 11 of the Vermont Rules of Criminal Procedure and Rule 410 of the Vermont Rules of Evidence, the Family Division's denial of the motion for youthful offender treatment and any information related to the youthful offender proceeding shall be inadmissible against the youth for any purpose in the subsequent Criminal Division proceeding.

(d) If the Family Division accepts the case for youthful offender treatment, the case shall proceed to a confidential merits hearing or admission pursuant to sections 5227–5229 of this title.

Sec. 6. 33 V.S.A. § 5282 is amended to read:

§ 5282. REPORT FROM THE DEPARTMENT

(a) Within 30 days after the youth has completed the risk and needs screening pursuant to section 5280 of this title, unless the court extends the period for good cause shown or the State's Attorney refers the youth directly to court diversion pursuant to subsection 5280(e) of this title, the Department for Children and Families shall file a report with the Family Division of the Superior Court.

(b) A report filed pursuant to this section shall include the following elements:

(1) a recommendation as to whether diversion is appropriate for the youth because the youth is a low to moderate risk to reoffend;

(2) a recommendation as to whether youthful offender status is appropriate for the youth; and

(3) a description of the services that may be available for the youth.

(c) A report filed pursuant to this section is privileged and shall not be disclosed to any person other than:

(1) the Department;

(2) the court;

(3) the State's Attorney;

(4) the youth, the youth's attorney, and the youth's guardian ad litem;

(5) the youth's parent, guardian, or custodian if the youth is under 18 years of age, unless the court finds that disclosure would be contrary to the

best interest of the child;

(6) the Department of Corrections; or

(7) any other person when the court determines that the best interests of the youth would make such a disclosure desirable or helpful.

Sec. 7. 33 V.S.A. § 5283 is amended to read:

§ 5283. HEARING IN FAMILY DIVISION

(a) Timeline. A Unless the State's Attorney refers the youth directly to court diversion pursuant to subsection 5280(e) of this title, a youthful offender status consideration hearing shall be held no later than 35 60 days after the transfer of the case from the Criminal Division or filing of a youthful offender petition in the Family Division.

(b) Notice. Notice of the hearing shall be provided to the State's Attorney; the youth; the youth's parent, guardian, or custodian; the Department; and the Department of Corrections.

(c) Hearing procedure.

(1) If the motion is contested, all parties shall have the right to present evidence and examine witnesses. Hearsay may be admitted and may be relied on to the extent of its probative value. If reports are admitted, the parties shall be afforded an opportunity to examine those persons making the reports, but sources of confidential information need not be disclosed.

(2) For individuals who had attained 18 years of age but not 22 years of age at the time the act is alleged to have been committed, hearings under 5284(a) of this title shall be open to the public. All other youthful offender proceedings shall be confidential.

(d) Burden of proof. The burden of proof shall be on the moving party to prove by a preponderance of the evidence that a child should be granted youthful offender status. If the court makes the motion, the burden shall be on the youth.

(e) Further hearing. On its own motion or the motion of a party, the court may schedule a further hearing to obtain reports or other information necessary for the appropriate disposition of the case.

Sec. 8. 33 V.S.A. § 5285(d) is amended to read:

(d) If a youth's status as a youthful offender is revoked and the case is transferred to the Criminal Division pursuant to subdivision (c)(2) of this section, the court shall enter a conviction of guilty based on the admission to or finding of merits, hold a sentencing hearing and impose sentence. Unless it

serves the interest of justice, the case shall not be transferred back to the Family Division pursuant to section 5203 of this title. When determining an appropriate sentence, the court may take into consideration the youth's degree of progress toward or regression from rehabilitation while on youthful offender status. The Criminal Division shall have access to all Family Division records of the proceeding.

Sec. 9. 33 V.S.A. § 5286 is amended to read:

§ 5286. REVIEW PRIOR TO 18 YEARS OF AGE

(a) If a youth is ~~adjudicated~~ on probation as a youthful offender prior to reaching 18 years of age, the Family Division shall review the youth's case before he or she reaches 18 years of age and set a hearing to determine whether the court's jurisdiction over the youth should be continued past 18 years of age. The hearing may be joined with a motion to terminate youthful offender status under section 5285 of this title. The court shall provide notice and an opportunity to be heard at the hearing to the State's Attorney, the youth, the Department for Children and Families, and the Department of Corrections.

(b) After receiving a notice of review under this section, the State may file a motion to modify or revoke pursuant to section 5285 of this title. If such a motion is filed, it shall be consolidated with the review under this section and all options provided for under section 5285 of this title shall be available to the court.

(c) The following reports shall be filed with the court prior to the hearing:

(1) The Department for Children and Families and the Department of Corrections shall jointly report their recommendations, with supporting justifications, as to whether the Family Division should continue jurisdiction over the youth past 18 years of age and, if continued jurisdiction is recommended, propose a case plan for the youth to ensure compliance with and completion of the juvenile disposition.

(2) If the Departments recommend continued supervision of the youthful offender past 18 years of age, the Departments shall report on the services which would be available for the youth.

(d) If the court finds that it is in the best ~~interest~~ interests of the youth and consistent with community safety to continue the case past 18 years of age, it shall make an order continuing the court's jurisdiction up to 22 years of age. The Department for Children and Families and the Department of Corrections shall jointly develop a case plan for the youth and coordinate services and share information to ensure compliance with and completion of the juvenile disposition.

(e) If the court finds that it is not in the best ~~interest~~ interests of the youth to continue the case past 18 years of age, it shall terminate the disposition order, discharge the youth, and dismiss the case in accordance with subsection 5287(c) of this title.

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.

NOTICE CALENDAR

Second Reading

Favorable with Recommendation of Amendment

H. 107.

An act relating to paid family and medical leave.

Reported favorably with recommendation of amendment by Senator Sirotkin for the Committee on Economic Development, Housing and General Affairs.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

It is the intent of the General Assembly that:

(1) the Family and Medical Leave Insurance Program established by this act shall provide employees with affordable Family and Medical Leave Insurance benefits;

(2) the Commissioner of Financial Regulation shall seek a private insurance carrier to provide the benefits required under the Program;

(3) if the Commissioner is able to identify an insurance carrier that can provide the required benefits in a more cost-effective manner than would be possible if benefits were provided by the State, the Commissioner shall enter into a contract with that insurance carrier to administer the Program and provide the benefits required by this act beginning in October of 2020; and

(4) if the Commissioner is unable to identify a suitable insurance carrier, the Program shall be administered by the Department of Labor in coordination with the Departments of Financial Regulation and of Taxes, and benefits shall become available beginning in July of 2021.

Sec. 2. 21 V.S.A. chapter 5, subchapter 13 is added to read:

Subchapter 13. Family and Medical Leave Insurance

§ 571. DEFINITIONS

As used in this subchapter:

(1) “Average weekly wage” means the employee’s total wages from his or her two highest-earning quarters in the last four completed calendar quarters divided by 26.

(2) “Bonding leave” means a leave of absence from employment by an employee for:

(A) the employee’s pregnancy;

(B) the birth of the employee’s child; or

(C) the initial placement of a child 18 years of age or younger with the employee for the purpose of adoption or foster care.

(3) “Domestic partner” has the same meaning as in 17 V.S.A. § 2414.

(4) “Employee” means an individual who receives payments with respect to services performed for an employer from which the employer is required to withhold Vermont income tax pursuant to 32 V.S.A. chapter 151, subchapter 4.

(5) “Employer” means an individual, organization, governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company doing business in or operating within this State.

(6) “Family care leave” means a leave of absence from employment by an employee for a serious illness of the employee’s family member.

(7) “Family member” means:

(A) the employee’s child or foster child;

(B) a step child or ward who lives with the employee;

(C) the employee’s spouse, domestic partner, or civil union partner;

(D) the employee’s parent or the parent of the employee’s spouse, domestic partner, or civil union partner;

(E) the employee's sibling;

(F) the employee's grandparent; or

(G) a child for whom the employee stands in loco parentis or an individual who stood in loco parentis for the employee when he or she was a child.

(8) "In loco parentis" means a child for whom the employee has day-to-day responsibilities to care for and financially support, or, in the case of the employee, an individual who had such responsibility for the employee when he or she was a child.

(9) "Qualified employee" means an employee who has:

(A) earned wages from which contributions were withheld pursuant to section 574 of this subchapter during at least two of the last four completed calendar quarters; and

(B) earned wages from which contributions were withheld pursuant to section 574 of this subchapter during the last four completed calendar quarters in an amount that is equal to or greater than 1,040 hours at the minimum wage established pursuant to section 384 of this chapter.

(10) "Serious illness" means an accident, disease, or physical or mental condition that:

(A) poses imminent danger of death;

(B) requires inpatient care in a hospital; or

(C) requires continuing in-home care under the direction of a physician.

(11) "Vermont average weekly wage" means the most recent average weekly wage for Vermont as calculated by the U.S. Bureau of Labor Statistics.

(12) "Wages" means payments that are included in the definition of wages set forth in 26 U.S.C. § 3401.

§ 572. FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM; ADMINISTRATION

(a) The Family and Medical Leave Insurance Program is established in the Department of Labor for the provision of Family and Medical Leave Insurance benefits to eligible employees pursuant to this section.

(b)(1) The Commissioner of Financial Regulation shall endeavor to identify and contract with a suitable insurance company to provide paid family and medical leave insurance in accordance with this subchapter.

(2)(A) On or before July 1, 2019, the Commissioner of Financial Regulation, in consultation with the Commissioners of Human Resources, of Labor, and of Taxes, shall develop and issue a request for information related to the provision of family and medical leave insurance by a private insurance carrier on behalf of the State that satisfies the requirements of this subchapter. The request for information shall also seek input regarding the cost and administrative feasibility of the insurance carrier administering the collection of contributions on behalf of the Department of Taxes pursuant to section 574 of this subchapter.

(B) Responses to the request for information shall be due on or before August 15, 2019.

(3) On or before September 1, 2019, the Commissioner of Financial Regulation, in consultation with the Commissioners of Human Resources, of Labor, and of Taxes, shall develop and issue a request for proposals for an insurance carrier to provide family and medical leave insurance that satisfies the requirements of this subchapter. An insurance carrier shall not be selected unless it can demonstrate that it would be able to provide the required family and medical leave insurance benefits and comply with the provisions of this subchapter in a more cost-effective manner than if the Family and Medical Leave Insurance Program were administered by the State.

(4) The Commissioner of Financial Regulation, in consultation with the Commissioners of Human Resources, of Labor, and of Taxes, shall evaluate the proposals received in response to the request for proposals and shall select, on or before November 15, 2019, the proposal that the Commissioner determines:

(A) best satisfies the requirements of this subchapter;

(B) will provide the required family and medical leave insurance benefits and comply with the provisions of this subchapter in a more cost-effective manner than if the Family and Medical Leave Insurance Program were administered by the State; and

(C) delivers the greatest value to the State and Vermont's employees and employers.

(5) An agreement with an insurance carrier to provide family and medical leave insurance pursuant to this subsection shall include a clause that permits the Commissioner of Financial Regulation to terminate the agreement for noncompliance with this chapter.

(6)(A) An agreement with an insurance carrier pursuant to this subsection shall be for a period of not more than four years.

(B) Not later than six months prior to the expiration on the agreement pursuant to this subsection, the Commissioner of Financial Regulation shall determine whether to renew the agreement for an additional period of not more than four years or to issue a new request for proposals for an insurance carrier to provide family and medical leave insurance that satisfies the requirements of this subchapter.

(7) The insurance carrier shall have its books and financial records related to the provision of family and medical leave insurance pursuant to this subsection audited annually and shall provide a copy of the annual audit to the Commissioner of Financial Regulation.

(c)(1) In the event that the Commissioner of Financial Regulation is unable to secure a suitable insurance carrier pursuant to subsection (b) of this section, the Paid Family and Medical Leave Insurance Program shall be administered by the Department of Labor pursuant to the provisions of this subchapter.

(2) In the event that the Paid Family and Medical leave Insurance Program is administered by the Department of Labor, the Commissioner of Labor may contract with a third-party administrator for actuarial support, fund administration, the processing of benefits claims and payments, and the initial determination of appeals.

§ 573. CONTRIBUTIONS

(a) An employer that does not elect to meet its obligations under this subchapter as provided pursuant to section 577 shall remit the contributions required by subsection (b) of this section to the Commissioner of Taxes on a quarterly basis as provided pursuant to 32 V.S.A. § 5842(a)(1) beginning with the calendar quarter that starts on April 1, 2020.

(b)(1) Contributions shall be equal to 0.20 percent of each employee's covered wages.

(2)(A) One-half of the contribution required pursuant subdivision (1) of this subsection shall be deducted and withheld by an employer from an employee's covered wages, and one-half shall be paid by the employee's employer.

(B) In lieu of deducting and withholding the full amount of the contributions due from the employee's covered wages pursuant to subdivision (A) of this subdivision (2), an employer may elect to pay all or a portion of the contributions due from the employee's covered wages.

(c) As used in this section, the term "covered wages" shall include all wages paid to an employee up to the amount of the maximum Social Security Taxable Wage.

(d)(1) The General Assembly shall annually review and, if necessary, adjust the rate of contribution established pursuant to subsection (b) of this section for the next fiscal year. The rate shall equal the amount necessary to provide Family and Medical Leave Insurance benefits pursuant to this subchapter, to administer the Family and Medical Leave Insurance Program during the next fiscal year, and, if a reserve is necessary, to ensure that it is adequately funded.

(2) On or before February 1 of each year, the Commissioner of Financial Regulation, in consultation with the insurance carrier that the State has contracted with, if any, and the Commissioners of Labor and of Taxes, shall report to the General Assembly the rate of contribution necessary to provide Family and Medical Leave Insurance benefits pursuant to this subchapter, to administer the Program during the next fiscal year, and, if a reserve is necessary, to ensure that it is adequately funded.

§ 574. COLLECTION OF CONTRIBUTIONS; REMITTANCE

(a) The Commissioner of Taxes shall collect all contributions required pursuant to section 573 of this subchapter and deposit them into the Family and Medical Leave Insurance Special Fund.

(b)(1) The Commissioner of Taxes shall require the withholding of the contributions required pursuant to section 573 of this subchapter from wages paid by any employer, as if the contributions were an additional Vermont income tax subject to the withholding requirements of 32 V.S.A. § 5841(a). The administrative and enforcement provisions of 32 V.S.A. chapter 151, subchapter 4 shall apply to the withholding requirement under this section as if the contributions withheld were a Vermont income tax.

(2) An employer that has received approval from the Commissioner of Financial Regulation for an alternative insurance or benefit plan pursuant to the provisions of section 577 shall not be required to withhold contributions pursuant to this section.

(c)(1) The Commissioner of Taxes may enter into a memorandum of understanding with the private insurance carrier contracted with by the Commissioner of Financial Regulation pursuant to section 572 of this subchapter, the Commissioner of Financial Regulation, or the Commissioner of Labor as the Commissioner of Taxes determines is necessary to carry out the provisions of this section.

(2) The Commissioner of Taxes may contract with the private insurance carrier contracted with by the Commissioner of Financial Regulation pursuant to section 572 of this subchapter to administer the collection of contributions

pursuant to this section.

§ 575. BENEFITS

(a)(1) A qualified employee shall be permitted to receive a total of not more than 12 weeks of Family and Medical Leave Insurance benefits in a calendar year, which may include:

(A) up to 12 weeks of benefits for bonding leave taken by the employee, provided that if both parents are qualified employees they shall be permitted to receive a combined total of not more than 12 weeks of Parental and Family Leave Insurance benefits in a 12-month period for bonding leave; and

(B) up to six weeks of benefits for family care leave taken by the employee.

(2) Notwithstanding subdivision (1)(B) of this subsection, with respect to a serious illness of an individual who is a sibling or grandparent of one or more qualified employees, the qualified employees who are a sibling or grandchild of that individual shall be permitted to receive a combined total of not more than six weeks of Parental and Family Leave Insurance benefits in a 12-month period for family care leave related to that individual.

(b)(1) The weekly benefit amount for a qualified employee awarded Family and Medical Leave Insurance benefits under this section shall be determined as follows:

(A) the portion of the qualified employee's average weekly wage that is less than or equal to 55 percent of the Vermont average weekly wage shall be replaced at a rate of 90 percent; and

(B) the portion of the qualified employee's average weekly wage that is greater than 55 percent of the Vermont average weekly wage shall be replaced at a rate of 55 percent.

(2) Notwithstanding subdivision (1) of this subsection, no qualified employee may receive Parental and Family Leave Insurance benefits that exceed the Vermont average weekly wage.

(c)(1) After the occurrence of a family care leave event, a qualified employee shall wait for a period of one week for which he or she shall not be eligible to receive Family and Medical Leave Insurance benefits.

(2) A qualified employee shall only have one waiting period in a calendar year.

(3) No waiting period shall be required before a qualified employee is

eligible to receive Family and Medical Leave Insurance benefits in relation to a bonding leave.

(d) A qualified employee may receive Family and Medical Leave Insurance benefits for an intermittent leave or leave for a portion of a week. The benefit amount for an intermittent leave or leave for a portion of a week shall be calculated in increments of one full day or one fifth of the qualified employee's weekly benefit amount.

(e) A bonding leave or family care leave for which benefits are paid pursuant to this subchapter shall run concurrently with a leave taken pursuant to section 472 of this title or the federal Family and Medical Leave Act, 29 U.S.C. §§ 2611–2654.

(f)(1) A qualified employee shall not be permitted to receive Family and Medical Leave Insurance benefits for any day for which he or she is receiving:

(A) wages;

(B) payment for the use of vacation leave, sick leave, or other accrued paid leave;

(C) payment pursuant to a disability insurance plan;

(D) unemployment insurance benefits pursuant to 21 V.S.A. chapter 17 or the law of any other state; or

(E) compensation for temporary partial disability or temporary total disability pursuant to 21 V.S.A. chapter 9, the workers' compensation law of any state, or any similar law of the United States.

(2) Notwithstanding subdivision (1) of this subsection, an employer may provide its employees with additional income to supplement the amount of the benefits provided pursuant to this section provided that the sum of the additional income and the benefits provided pursuant to this section does not exceed the employee's average weekly wage.

§ 576. APPLICATION FOR BENEFITS; PAYMENT; TAX WITHHOLDING

(a) A qualified employee, or his or her agent, shall file an application for Family and Medical Leave Insurance benefits under this subchapter on a form approved by the Commissioner of Labor. The determination of whether the qualified employee is eligible to receive Family and Medical Leave Insurance benefits shall be based on the following criteria:

(1) The claim is for a bonding leave or a family care leave and the need for the leave is adequately documented.

(2) The claimant satisfies the requirements to be a qualified employee as defined pursuant to subdivision 571(9) of this subchapter.

(3) The claimant has specified the anticipated start date and duration of the leave.

(b)(1) A determination shall be made in relation to each claim within not more than five business days after the date the claim is filed. The time to make a determination on a claim may be extended by not more than 15 business days if necessary to obtain documents or information that are needed to make the determination.

(2) An application for Family and Medical Leave Insurance benefits may be filed:

(A) up to 60 days before an anticipated leave; or

(B) in the event of a premature birth or an unanticipated serious illness, within 60 days after the leave begins.

(3)(A) Benefits shall be paid to a qualified employee for the time period beginning on the day his or her leave began.

(B) The first benefit payment shall be sent to the qualified employee within 14 days after the leave begins or the claim is approved, whichever is later, and subsequent payments shall be sent biweekly.

(4) The provisions of section 1367 of this title shall apply to Family and Medical Leave Insurance benefits.

(c)(1) An individual filing a claim for Family and Medical Leave Insurance benefits shall, at the time of filing, be advised that Family and Medical Leave Insurance benefits may be subject to income tax and that the individual's benefits may be subject to withholding.

(2) All procedures specified by 26 U.S.C. chapter 24 and 32 V.S.A. chapter 151, subchapter 4 pertaining to the withholding of income tax shall be followed in relation to the payment of Family and Medical Leave Insurance benefits.

(d) As used in this section, "agent" means an individual who holds a valid power of attorney for the employee or other legal authorization to act on the employee's behalf that is acceptable to the Commissioner of Labor.

§ 577. EMPLOYER OPTION; ALTERNATIVE INSURANCE OR BENEFITS

(a) As an alternative to and in lieu of participating in the Family and Medical Leave Insurance Program, an employer may, upon approval by the

Commissioner of Financial Regulation, comply with the requirements of this subchapter through the use of an alternative insurance plan or benefit plan that provides to all of its employees benefits for bonding and family care leave that are equivalent to or more generous than the benefits provided pursuant to this subchapter. An employer may elect to provide such benefits by:

(1) establishing and maintaining to the satisfaction of the Commissioner of Financial Regulation self-insurance necessary to provide equivalent or greater benefits;

(2) purchasing insurance coverage for the payment of equivalent or greater benefits from any insurance carrier authorized to provide family and medical leave insurance in this State;

(3) establishing an employee benefits plan that provides equivalent or greater benefits; or

(4) any combination of subdivisions (1) through (3) of this subsection.

(b)(1) The Commissioner of Financial Regulation may approve an alternative insurance or benefit plan under this section upon making a determination that it provides benefits that are equivalent to or more generous than the benefits provided pursuant to this subchapter.

(2)(A) Nothing in this section shall be construed to required that the benefits provided by an alternative insurance or benefit plan be identical to the benefits provided pursuant to this subchapter.

(B) The Commissioner shall determine whether the benefits provided by a proposed alternative insurance or benefit plan are equivalent to or more generous than the benefits provided pursuant to this subchapter by weighing the relative value of the alternative plan's length of leave, wage replacement, and cost to employees against the provisions of this subchapter.

(c)(1) Except as otherwise provided pursuant to subdivision (4) of this subsection, an alternative insurance or benefit plan shall only be permitted to become effective on January 1 following its approval and shall remain in effect until it is discontinued pursuant to subdivision (3) of this subsection.

(2)(A) An employer shall submit an application to the Commissioner of Financial Regulation for approval of a new or modified alternative insurance or benefit plan on or before October 15 of the calendar year prior to when it shall take effect.

(B) The Commissioner shall make a determination and notify the employer of whether its application has been approved on or before December 1. If the application is approved, the Commissioner shall also

provide a copy of the notice to the Commissioners of Labor and of Taxes on or before December 1.

(3) An employer may discontinue its alternative insurance or benefit plan on January 1 of any year by filing notice of its intent to discontinue the plan with the Commissioners of Financial Regulation, of Labor, and of Taxes on or before November 1 of the prior year.

(4)(A) Notwithstanding any provisions of subdivisions (1) and (2) of this subsection to the contrary, for calendar year 2020, an employer shall submit an application for a new alternative insurance or benefit plan on or before February 1.

(B) The Commissioner shall make a determination and notify the employer of whether its application has been approved on or before March 15. If the application is approved, the Commissioner shall also provide a copy of the notice to the Commissioners of Labor and of Taxes on or before March 15.

(C) Beginning on April 1, 2020, an employer that receives approval for an alternative insurance or benefit plan pursuant to this subdivision (4) shall be exempt from withholding contributions as provided pursuant to subdivision 574(b)(2) of this subchapter.

(d) Nothing in this subchapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or paid time off policy that provides more generous benefits than the benefits provided pursuant to this subchapter.

§ 578. DISQUALIFICATIONS

A qualified employee shall be disqualified for benefits for any week in which he or she has received:

(1) compensation for temporary partial disability or temporary total disability under the workers' compensation law of any state or under a similar law of the United States; or

(2) unemployment insurance benefits under the law of any state.

§ 579. APPEALS

(a) An employer or employee aggrieved by a decision under section 576 or 578 of this subchapter may file an initial appeal of the decision with the insurance carrier that the State has contracted with.

(b) Within 20 days after receiving notice of the insurance carrier's decision on the initial appeal, the employer or employee may appeal the decision to an administrative law judge as provided pursuant to sections 1348 and 1351-1357

of this title.

(c) Within 30 days after receiving notice of the administrative law judge's decision, either party may appeal that decision to the Supreme Court.

§ 580. FALSE STATEMENT OR REPRESENTATION; PENALTY

A person who willfully makes a false statement or representation for the purpose of obtaining any benefit or payment or to avoid payment of any required contributions under the provisions of this subchapter, either for himself or herself or for any other person, after notice and opportunity for hearing, may be assessed an administrative penalty of not more than \$20,000.00 and shall forfeit all or a portion of any right to benefits under the provisions of this subchapter, as determined to be appropriate by the Commissioner of Labor or Commissioner of Financial Regulation, as appropriate.

§ 581. REINSTATEMENT; SENIORITY AND BENEFITS PROTECTED

(a) The employer of an employee who receives Family and Medical Leave Insurance benefits under this subchapter shall reinstate the employee at the conclusion of his or her bonding leave or family care leave, provided the employee does not take bonding leave or family care leave for a combined total of more than 12 weeks in a calendar year. The employee shall be reinstated in the first available suitable position given the position he or she held at the time his or her leave began.

(b) Upon reinstatement, the employee shall regain seniority and any unused accrued paid leave he or she was entitled to prior to the leave, less any accrued paid leave used during the leave.

(c)(1) Nothing in this section shall be construed to diminish an employee's rights pursuant to subsection 472(f) of this chapter.

(2) The provisions of this section shall not apply if:

(A) the employee had been given notice, or had given notice, prior to the employee providing his or her employer with notice of the leave;

(B) the employer can demonstrate by clear and convincing evidence that during the leave, or prior to the employee's reinstatement, the employee's position would have been terminated or the employee laid off for reasons unrelated to the leave or the reason for which the employee took the leave;

(C) the employee fails to inform the employer of:

(i) his or her interest in being reinstated at the conclusion of the leave; and

(ii) the date on which his or her leave is anticipated to conclude;
or

(D) more than two years have elapsed since the conclusion of the employee's leave.

(d)(1) An employee aggrieved by an employer's failure to comply with the provisions of this section may bring an action in the Civil Division of the Superior Court in the county where the employment is located for compensatory and punitive damages or equitable relief, including restraint of prohibited acts, restitution of wages or other benefits, reinstatement, costs, and other appropriate relief.

(2) A copy of the complaint shall be filed with the Commissioner of Labor.

(3) The court shall award reasonable attorney's fees to the employee if he or she prevails.

§ 582. PROTECTION FROM RETALIATION OR INTERFERENCE

(a) An employer shall not discharge or in any other manner retaliate against an employee who exercises or attempts to exercise his or her rights under this subchapter. The provisions against retaliation in subdivision 495(a)(8) of this title shall apply to this subchapter.

(b) An employer shall not interfere with, restrain, or otherwise prevent an employee from exercising or attempting to exercise his or her rights pursuant to this subchapter.

(c) An employee aggrieved by a violation of the provisions of this subchapter may bring an action in Superior Court seeking compensatory and punitive damages or equitable relief, including restraint of prohibited acts, restitution of wages or other benefits, reinstatement, costs, reasonable attorney's fees, and other appropriate relief.

§ 583. CONFIDENTIALITY OF INFORMATION

(a) Information obtained from an employer or individual in the administration of this subchapter and determinations of an individual's right to receive benefits that reveal an employer's or individual's identity in any manner shall be kept confidential and, to the extent that such information is obtained by the State, shall be exempt from public inspection and copying under the Public Records Act. Such information shall not be admissible as evidence in any action or proceeding other than one brought pursuant to the provisions of this subchapter.

(b) Notwithstanding subsection (a) of this section:

(1) an individual or his or her duly authorized agent may be provided with information to the extent necessary for the proper presentation of his or her claim for benefits or to inform him or her of his or her existing or prospective rights to benefits; and

(2) an employer may be provided with information that the Commissioner of Financial Regulation, of Labor, or of Taxes determines is necessary to enable the employer to discharge fully its obligations and protect its rights under this subchapter.

§ 584. RULEMAKING

(a) The Commissioner of Taxes shall adopt rules as necessary to implement the provisions of section 574 of this subchapter. The rules adopted by the Commissioner of Taxes shall include:

(1) procedures for the collection of contributions; and

(2) reporting and record-keeping requirements for employers.

(b) The Commissioner of Financial Regulation shall adopt rules as necessary to implement the provisions of section 577 of this subchapter. The rules adopted by the Commissioner of Financial Regulation shall include requirements and criteria for the approval of an employer's alternative insurance or benefit plan pursuant to section 577 of this subchapter and for determining whether a proposed plan provides benefits that are equivalent to or more generous than the benefits provided pursuant to this subchapter.

(c)(1) The Commissioner of Labor shall adopt rules as necessary to implement all other provisions of this subchapter. The rules adopted by the Commissioner of Labor shall include:

(A) acceptable documentation for demonstrating eligibility for benefits;

(B) requirements for providing certification from a health care provider of the need for family leave that are modeled on the federal rules governing certification of a serious health condition under the Family and Medical Leave Act;

(C) requirements for obtaining authorization for an individual's health care provider to disclose information necessary to make a determination of the individual's eligibility for benefits;

(D) procedures for appeals pursuant to subsection 579(b) of this subchapter; and

(E) rules to permit an employee to authorize the Department, in compliance with all applicable provisions of federal law, to disclose unemployment insurance information to the insurance carrier as necessary to determine if the employee meets the requirements to be a qualified employee as defined pursuant to subdivision 571(9) of this chapter.

(2) The Commissioner of Labor shall create a form that will permit an employee to provide informed consent for the Department to disclose unemployment insurance information to the insurance carrier as necessary to determine if the employee meets the requirements to be a qualified employee as defined pursuant to subdivision 571(9) of this chapter. The form shall satisfy all applicable requirements under federal law.

§ 585. FAMILY AND MEDICAL LEAVE INSURANCE SPECIAL FUND

The Family and Medical Leave Insurance Special Fund is created pursuant to 32 V.S.A. chapter 7, subchapter 5. The Fund shall consist of contributions collected from employers pursuant to section 574 of this subchapter. The Fund may be expended by the Commissioners of Financial Regulation, of Labor, and of Taxes for the payment of premiums for and the administration of the Family and Medical Leave Insurance Program. All interest earned on Fund balances shall be credited to the Fund.

Sec. 3. 21 V.S.A. § 586 is added to read:

§ 586. OVERPAYMENT OF BENEFITS; COLLECTION

(a)(1) Any individual who by nondisclosure or misrepresentation of a material fact, by him or her, or by another person, has received Family and Medical Leave Insurance benefits when he or she failed to fulfill a requirement for the receipt of benefits pursuant to this chapter or while he or she was disqualified from receiving benefits pursuant to section 580 of this chapter shall be liable to repay to the Commissioner of Labor the amount received.

(2) Upon determining that an individual has received benefits under this chapter that he or she was not entitled to, the Commissioner of Labor shall provide the individual with notice of the determination. The notice shall include a statement that the individual is liable to repay to the Commissioner the amount of overpaid benefits and shall identify the basis of the overpayment and the time period in which the benefits were paid.

(3) The determination shall be made within not more than three years after the date of the overpayment.

(b)(1) An individual liable under this section shall repay the overpaid amount to the Commissioner for deposit into the Fund.

(2) If the Commissioner finds that the individual intentionally misrepresented or failed to disclose a material fact with respect to his or her claim for benefits, in addition to the repayment under subdivision (1) of this subsection, the person shall pay an additional penalty of 15 percent of the amount of the overpaid benefits, which shall also be deposited into the Fund.

(3) The Commissioner may collect the amounts due under this section in civil action in the Superior Court.

(c) If an individual is liable to repay any amount pursuant to this section, the Commissioner may withhold, in whole or in part, any future benefits payable to the individual pursuant to this chapter and credit the withheld benefits against the amount due from the individual until it is repaid in full, less any penalties assessed under subdivision (b)(2) of this section.

(d) In addition to the remedy provided pursuant to this section, an individual who intentionally misrepresented or failed to disclose a material fact with respect to his or her claim for benefits may be subject to the penalties provided pursuant to section 580 of this title.

Sec. 4. ADOPTION OF RULES

(a) On or before January 1, 2020, the Commissioner of Taxes shall adopt rules necessary to implement the provisions of 21 V.S.A. § 574, which shall include:

- (1) procedures for the collection of contributions; and
- (2) reporting and record-keeping requirements for employers.

(b) On or before January 1, 2020, the Commissioner of Financial Regulation shall adopt rules as necessary to implement the provisions of section 577 of this subchapter. The rules adopted by the Commissioner of Financial Regulation shall include requirements and criteria for the approval of an employer's alternative insurance or benefit plan pursuant to 21 V.S.A. § 577 and for determining whether a proposed plan provides benefits that are equivalent to or more generous than the benefits provided pursuant to 21 V.S.A. chapter 5, subchapter 13.

(c) On or before June 1, 2020, the Commissioner of Labor shall adopt rules necessary to implement all other provisions of 21 V.S.A. chapter 5, subchapter 13, which shall include:

- (1) acceptable documentation for demonstrating eligibility for benefits;
- (2) requirements for providing certification from a health care provider of the need for family leave that are modeled on the federal rules governing certification of a serious health condition under the Family and Medical

Leave Act;

(3) requirements for obtaining authorization for an individual's health care provider to disclose information necessary to make a determination of the individual's eligibility for benefits;

(4) procedures for appealing a decision pursuant to 21 V.S.A. § 579(b)(2);

(5) the establishment of the existence of an in loco parentis relationship between an employee and another individual; and

(6) rules to permit an employee to authorize the Department, in compliance with all applicable provisions of federal law, to disclose unemployment insurance information to the insurance carrier as necessary to determine if the employee meets the requirements to be a qualified employee as defined pursuant to subdivision 571(9) of this chapter.

Sec. 5. EDUCATION AND OUTREACH

On or before June 1, 2020, the Commissioner of Labor shall develop and make available on the Department of Labor's website information and materials to educate and inform employers and employees about the Family and Medical Leave Insurance Program established pursuant to 21 V.S.A. chapter 5, subchapter 13.

Sec. 6. ESTABLISHMENT OF FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM; EXPENDITURES FROM SPECIAL FUND

The Commissioner of Finance and Management may, pursuant to 32 V.S.A. § 588(4)(C), issue warrants for expenditures from the Family and Medical Leave Insurance Special Fund necessary to establish the Family and Medical Leave Insurance Program in anticipation of the receipt on or after April 1, 2020 of contributions submitted pursuant to 21 V.S.A. §§ 573 and 574.

Sec. 7. ADEQUACY OF RESERVES; REPORT

Annually, on or before January 15, 2021, 2022, and 2023, the Commissioner of Labor, in consultation with the Commissioners of Finance and Management, of Financial Regulation, and of Taxes, shall submit a written report to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Ways and Means and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance regarding the amount and adequacy of the reserves in the Family and Medical Leave Insurance Special Fund and any recommendations for legislative action necessary to ensure that an adequate reserve is maintained in

the Fund.

Sec. 8. 21 V.S.A. § 471 is amended to read:

§ 471. DEFINITIONS

As used in this subchapter:

(1) “Employer” means an individual, organization ~~or~~, governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air or express company doing business in or operating within this State ~~which for the purposes of parental leave that employs 10 or more individuals who are employed for an average of at least 30 hours per week during a year and for the purposes of family leave employs 15 or more individuals for an average of at least 30 hours per week during a year.~~

* * *

(3) “Family leave” means a leave of absence from employment by an employee who works for an employer ~~which that~~ employs ~~15~~ 10 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:

(A) the serious illness of the employee; ~~or~~

(B) the serious illness of the employee’s child, stepchild or ward who ~~lives with the employee, foster child, parent, spouse or parent of the employee’s spouse~~ family member;

(4) “Parental leave” means a leave of absence from employment by an ~~employee who works for an employer which employs 10 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:~~

(C) the employee’s pregnancy;

(A)(D) the birth of the employee’s child; or

(B)(E) the initial placement of a child 16 18 years of age or younger with the employee for the purpose of adoption or foster care.

(4) “Family member” means:

(A) the employee’s child or foster child;

(B) a step child or ward who lives with the employee;

(C) the employee’s spouse, domestic partner, or civil union partner;

(D) the employee's parent or the parent of the employee's spouse, domestic partner, or civil union partner;

(E) the employee's sibling;

(F) the employee's grandparent; or

(G) a child for whom the employee stands in loco parentis or an individual who stood in loco parentis for the employee when he or she was a child.

* * *

(6) "Commissioner" means the Commissioner of Labor.

(7) "Domestic partner" has the same meaning as in 17 V.S.A. § 2414.

(8) "In loco parentis" means a child for whom the employee has day-to-day responsibilities to care for and financially support, or, in the case of the employee, an individual who had such responsibility for the employee when he or she was a child.

Sec. 9. 21 V.S.A. § 472 is amended to read:

§ 472. FAMILY LEAVE

(a) During any 12-month period, an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks for the following reasons:

(1) for parental leave, during the employee's pregnancy and;

(2) following the birth of an ~~an~~ the employee's child or;

(3) within a year following the initial placement of a child ~~16~~ 18 years of age or younger with the employee for the purpose of adoption- or foster care;

~~(2)~~(4) for family leave, for the serious illness of the employee; or

(5) the serious illness of the employee's child, stepchild or ward of the employee who lives with the employee, foster child, parent, spouse, or parent of the employee's spouse family member.

(b) During the leave, at the employee's option, the employee may use accrued sick leave or vacation leave or any other accrued paid leave, ~~not to exceed six weeks~~ Family and Medical Leave Insurance benefits pursuant to subchapter 13 of this chapter, or short-term disability insurance or other insurance benefits. Utilization Use of accrued paid leave, Family and Medical Leave Insurance benefits, or other insurance benefits shall not extend the leave provided herein by this section.

* * *

(d) The employer shall post and maintain in a conspicuous place in and about each of ~~his or her~~ its places of business printed notices of the provisions of this subchapter on forms provided by the Commissioner of Labor.

(e)(1) An employee shall give his or her employer reasonable written notice of intent to take family leave under this subchapter. Notice shall include the date the leave is expected to commence and the estimated duration of the leave.

(2) In the case of the adoption or birth of a child, an employer shall not require that notice be given more than six weeks prior to the anticipated commencement of the leave.

(3) In the case of an unanticipated serious illness or premature birth, the employee shall give the employer notice of the commencement of the leave as soon as practicable.

(4) In the case of serious illness of the employee or a member of the employee's family, an employer may require certification from a physician to verify the condition and the amount and necessity for the leave requested.

(5) An employee may return from leave earlier than estimated upon approval of the employer.

(6) An employee shall provide reasonable notice to the employer of his or her need to extend the leave to the extent provided by this chapter.

* * *

(h) Except for serious illness of the employee, an employee who does not return to employment with the employer who provided the family leave shall return to the employer the value of any compensation paid to or on behalf of the employee during the leave, except payments of Family and Medical Leave Insurance benefits and payments for accrued sick leave or vacation leave. An employer may elect to waive the rights provided pursuant to this subsection.

Sec. 10. 21 V.S.A. § 1344 is amended to read:

§ 1344. DISQUALIFICATIONS

(a) An individual shall be disqualified for benefits:

* * *

(5) For any week with respect to which the individual is receiving or has received remuneration in the form of:

* * *

(F) Family and Medical Leave Insurance benefits pursuant to chapter 5, subchapter 13 of this title.

* * *

Sec. 11. 21 V.S.A. § 1325 is amended to read:

§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;
DISCLOSURE TO SUCCESSOR ENTITY

(a)(1) The Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer's experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:

* * *

(G) The individual was employed by that employer as a result of another employee taking leave under chapter 5, subchapter 13 of this title, and the individual's employment was terminated as a result of the reinstatement of the other employee following his or her leave under chapter 5, subchapter 13 of this title.

* * *

Sec. 12. SELF-EMPLOYED INDIVIDUAL; OPT-IN; REPORT

On or before January 15, 2021, the Commissioner of Labor, in consultation with the insurance carrier that the State has contracted with, if any, and the Commissioners of Financial Regulation and of Taxes, shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs regarding the potential for permitting self-employed individuals to elect to obtain coverage through the Family and Medical Leave Insurance Program. In particular, the report shall examine the experience of other states that allow self-employed individuals to obtain coverage under their family and medical leave insurance programs, and the potential impact of permitting self-employed individuals to elect to obtain coverage through the Family and Medical Leave Insurance Program on the Program, contribution rates, and administrative costs. The report shall also include a recommendation for legislative action necessary to permit self-employed individuals to elect to obtain coverage through the Family and Medical Leave Insurance Program.

Sec. 13. POTENTIAL TRANSITION TO STATE-OPERATED FAMILY
AND MEDICAL LEAVE INSURANCE PROGRAM; REPORT

On or before January 15, 2023, the Commissioner of Labor, in consultation with the Commissioners of Financial Regulation and of Taxes, shall report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs regarding the potential for transitioning the Family and Medical Leave Insurance Program to a program that is fully administered and operated by the State. The report shall identify the potential costs to the State of such a transition and the amount of time necessary to successfully accomplish the transition, as well as the expected impacts on contribution rates, administrative efficiency, and the experience of employers and employees. The report shall also examine and contrast the potential benefits and drawbacks of ensuring the solvency of a program that is fully administered and operated by the State by either maintaining a reserve or obtaining reinsurance. The report shall include a recommendation regarding whether the Family and Medical Leave Insurance Program should transition to a program that is fully administered and operated by the State.

Sec. 14. 3 V.S.A. § 638 is added to read:

§ 638. FAMILY AND MEDICAL LEAVE INSURANCE

(a) All State employees shall be provided with family and medical leave insurance that satisfies the requirements of 21 V.S.A. chapter 5, subchapter 13.

(b) The State shall bargain with the appropriate collective bargaining representative for each bargaining unit of State employees to determine:

(1) whether State employees will be covered by the Family and Medical Leave Insurance Program or an alternative insurance or benefit plan established pursuant to 21 V.S.A. § 577;

(2) if the State employees will be covered by the Family and Medical Leave Insurance Program, the portion of the contribution rate established pursuant to 21 V.S.A. § 573 that the State and the employees will be responsible for; and

(3) if the State employees will be covered by an alternative insurance or benefit plan established pursuant to 21 V.S.A. § 577, the cost of the program to the employees, and the length of leave and level of wage replacement that the employees will be eligible for.

(c)(1) The contribution rate determined pursuant to subdivision (b)(2) of this section or the cost of the plan to the employees determined pursuant to subdivision (b)(3) of this section shall be the same for all State employees,

regardless of whether the employees are permitted to collectively bargain pursuant to 3 V.S.A. chapter 27 or 28.

(2) The length of leave and level of wage replacement determined pursuant to subdivision (b)(3) of this section shall be the same for all State employees, regardless of whether the employees are permitted to collectively bargain pursuant to 3 V.S.A. chapter 27 or 28.

(3) Notwithstanding subdivisions (1) and (2) of this subsection, the sworn Vermont State Police Officers below the rank of Lieutenant shall not be required to have the same rate of contribution or the same cost of the plan, length of leave, and level of wage replacement as other State employees.

Sec. 15. REQUEST FOR INFORMATION; REQUEST FOR PROPOSALS; REPORTS

(a) On or before July 15, 2019, the Commissioner of Financial Regulation shall submit a copy of the request for information to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Ways and Means and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance.

(b) On or before September 1, 2019, the Commissioner of Finance shall submit a brief summary of the responses to the request for information together with copies of all the responses to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Ways and Means and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance. The Commissioner of Financial Regulation may redact confidential business information from the copies of the responses to the request for information before submitting them.

(c) On or before September 15, 2019, the Commissioner of Financial Regulation shall submit a copy of the request for proposals to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Ways and Means and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance.

(d) On or before December 15, 2019, the Commissioner of Financial Regulation shall submit a written report summarizing the outcome of the request for proposal process to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Ways and Means and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance.

Sec. 16. PLAN FOR STATE OPERATION OF FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM; REPORT

In the event that the Commissioner of Financial Regulation is unable to secure a suitable insurance company to provide paid family and medical leave insurance pursuant to the provisions of 21 V.S.A. § 572(b), the Commissioner of Labor, in consultation with the Commissioners of Financial Regulation and of Taxes, shall, on or before January 15, 2020, submit a written report outlining a plan for the State to operate the Family and Medical Leave Insurance Program to the House Committees on Appropriations, on General, Housing, and Military Affairs, and on Ways and Means and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance. The report shall include a detailed explanation of how the State will implement Family and Medical Leave Insurance Program and carry out the requirements of 21 V.S.A. chapter 5, subchapter 13, including specific details and requirements related to staffing, information technology development, the development of rules and procedures, ensuring adequate reserves in the Family and Medical Leave Insurance Special Fund, and, if appropriate, the utilization of one or more third-party administrators. The report shall also include a recommendation for any legislative action necessary for the State to successfully implement the Family and Medical Leave Insurance Program.

Sec. 17. APPROPRIATIONS; POSITIONS

(a)(1) The sum of \$1,000,000.00 is appropriated from the Family and Medical Leave Insurance Special Fund to the Department of Taxes in fiscal year 2020 for temporary staffing needs related to the adoption of rules, the development of information technology systems necessary to implement the provisions of 21 V.S.A. § 574, and, if applicable, to contract with the private insurance carrier selected pursuant to 21 V.S.A. § 572 to administer the collection of Family and Medical Leave Insurance contributions.

(2) The sum of \$217,900.00 is appropriated from the Family and Medical Leave Insurance Special Fund to the Department of Labor for staffing needs related to the adoption of rules and for the development of forms, procedures, and outreach and education materials related to the Family and Medical Leave Insurance Program established pursuant to 21 V.S.A. chapter 5, subchapter 13.

(b) The establishment of one new administrator position in the Department of Labor is authorized in fiscal year 2020.

Sec. 18. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

* * *

(d) The Commissioner shall disclose a return or return information:

* * *

(7) to the Joint Fiscal Office pursuant to subsection 10503(e) of this title and subject to the conditions and limitations specified in that subsection; and

(8) to the Commissioner of Financial Regulation, the Commissioner of Labor, or the private insurance carrier contracted with by the Commissioner of Financial Regulation pursuant to 21 V.S.A. § 572, provided the information is related to the administration of the Family and Medical Leave Insurance Program created pursuant to 21 V.S.A. chapter 5, subchapter 13.

* * *

Sec. 19. 21 V.S.A. § 1314 is amended to read:

§ 1314. REPORTS AND RECORDS; SEPARATION INFORMATION;
DETERMINATION OF ELIGIBILITY; FAILURE TO REPORT
EMPLOYMENT INFORMATION; DISCLOSURE OF
INFORMATION TO OTHER STATE AGENCIES TO
INVESTIGATE MISCLASSIFICATION OR MISCODING

* * *

(e)(1) Subject to such restrictions as the Board may by regulation prescribe by rule, information from unemployment insurance records may be made available to any public officer or public agency of this or any other state or the federal government dealing with the administration or regulation of relief, public assistance, unemployment compensation, a system of public employment offices, wages and hours of employment, workers' compensation, misclassification or miscoding of workers, occupational safety and health, or a public works program for purposes appropriate to the necessary operation of those offices or agencies. The Commissioner may also make information available to colleges, universities, and public agencies of the State for use in connection with research projects of a public service nature, and to the Vermont Economic Progress Council with regard to the administration of 32 V.S.A. chapter 105, subchapter 2; but no person associated with those institutions or agencies may disclose that information in any manner that would reveal the identity of any individual or employing unit from or concerning whom the information was obtained by the Commissioner.

* * *

(8)(A) The Department of Labor shall disclose, upon request, to the insurance carrier that the Commissioner of Financial Regulation has contracted with to operate the Family and Medical Leave Insurance Program pursuant to section 572 of this title, any information in its records related to an identified individual that is necessary for the purpose of determining the individual's eligibility for Family and Medical Leave Insurance benefits pursuant to 21 V.S.A. chapter 5, subchapter 13.

(B) The Commissioner shall enter into an agreement with the insurance carrier that governs the use of the disclosed information and complies with all requirements of 20 C.F.R. § 603.10.

(C) The information requested shall not be released unless the individual to whom the requested information relates has signed a consent form, approved by the Commissioner, that permits the release of the requested information.

(D) The requested information shall not be released unless the insurance carrier agrees to reimburse the Department of Labor for the costs involved in furnishing the requested information.

* * *

Sec. 20. EFFECTIVE DATES

(a) This section and Secs. 1, 2, 4, 5, 6, 12, 13, 14, 15, 16, 17, 18, and 19 shall take effect on passage.

(b) Secs. 3 and 7 shall not take effect until December 1, 2019, and shall not take effect at all if the Commissioner of Financial Regulation secures a suitable insurance company to provide paid family and medical leave insurance pursuant to the provisions of 21 V.S.A. § 572(b).

(c) Secs. 8, 9, 10, and 11 shall take effect on October 1, 2020.

(d)(1)(A) If the Commissioner of Financial Regulation secures a private insurance carrier pursuant to 21 V.S.A. § 572, contributions shall begin being paid pursuant to 21 V.S.A. §§ 573 and 574 on April 1, 2020, and, beginning on October 1, 2020, employees may begin to receive benefits pursuant to 21 V.S.A. chapter 5, subchapter 13.

(B) If the Commissioner of Financial Regulation is unable to secure a private insurance carrier pursuant to 21 V.S.A. § 572, contributions shall begin being paid pursuant to 21 V.S.A. §§ 573 and 574 on July 1, 2020, and, beginning on July 1, 2021, employees may begin to receive benefits pursuant to 21 V.S.A. chapter 5, subchapter 13.

(2) An employer that is subject to a collective bargaining agreement shall not be required to pay contributions or be subject to the provisions of 21 V.S.A. chapter 5, subchapter 13 until either the effective date of the next collective bargaining agreement after April 1, 2020, or the effective date of a supplement to or provision of an existing collective bargaining agreement that specifically addresses the provisions of 21 V.S.A. chapter 5, subchapter 13, in order to permit the employer and the collective bargaining representative to negotiate regarding the employer and employee shares of the contribution rate or whether the employer will provide benefits through an alternative plan established pursuant to 21 V.S.A. § 577.

(Committee vote: 4-1-0)

(For House amendment, see House Journal for April 4, 2019, pages 742-786.)

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)

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)

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.