

Journal of the House

Wednesday, February 13, 2019

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the Senate No. 14

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 11. An act relating to limiting senatorial districts to a maximum of three members.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 15. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 215

By Reps. Noyes of Wolcott and Pugh of South Burlington,
House bill, entitled

An act relating to the Office of the Child Advocate;

To the committee on Human Services.

H. 216

By Reps. Terenzini of Rutland Town, Brennan of Colchester, Burditt of West Rutland, Cupoli of Rutland City, Goslant of Northfield, Gregoire of Fairfield, Harrison of Chittenden, Helm of Fair Haven, Higley of Lowell,

LaClair of Barre Town, Mattos of Milton, McFaun of Barre Town, Morrissey of Bennington, Myers of Essex, Norris of Shoreham, Page of Newport City, Quimby of Concord, Rosenquist of Georgia, Savage of Swanton, Seymour of Sutton, Toof of St. Albans Town and Troiano of Stannard,

House bill, entitled

An act relating to authorizing the use of crossbows to take deer;

To the committee on Natural Resources, Fish, and Wildlife.

H. 217

By Reps. Hill of Wolcott and Noyes of Wolcott,

House bill, entitled

An act relating to vehicle safety inspections;

To the committee on Transportation.

H. 218

By Reps. Rosenquist of Georgia, Brumsted of Shelburne, Gregoire of Fairfield, Haas of Rochester, Nicoll of Ludlow, Noyes of Wolcott, Redmond of Essex and Wood of Waterbury,

House bill, entitled

An act relating to lead poisoning prevention;

To the committee on Human Services.

H. 219

By Reps. Gonzalez of Winooski, Rachelson of Burlington, Brumsted of Shelburne, Cina of Burlington, Colburn of Burlington, Cordes of Lincoln, Haas of Rochester and McCarthy of St. Albans City,

House bill, entitled

An act relating to Medicaid coverage for doula services;

To the committee on Health Care.

H. 220

By Reps. O'Sullivan of Burlington, Anthony of Barre City, Christie of Hartford, Cina of Burlington, Cordes of Lincoln, Donovan of Burlington, Hill of Wolcott, Hooper of Burlington, Macaig of Williston, Patt of Worcester, Sullivan of Burlington and Walz of Barre City,

House bill, entitled

An act relating to employee misclassification;

To the committee on Commerce and Economic Development.

H. 221

By Rep. Lippert of Hinesburg,

House bill, entitled

An act relating to the role of the Office of the Health Care Advocate and notice to policyholders of proposed health insurance rate increases;

To the committee on Health Care.

H. 222

By Reps. Anthony of Barre City, Walz of Barre City, LaClair of Barre Town and McFaun of Barre Town,

House bill, entitled

An act relating to excluding serious violent felonies from youthful offender status for individuals 18 years of age or older;

To the committee on Judiciary.

H. 223

By Rep. O'Sullivan of Burlington,

House bill, entitled

An act relating to residential rental agreements for substance abuse recovery homes;

To the committee on Human Services.

H. 224

By Reps. Fagan of Rutland City, Burditt of West Rutland, Canfield of Fair Haven, Cupoli of Rutland City, Harrison of Chittenden, Marcotte of Coventry, McCoy of Poultney, Myers of Essex, Nicoll of Ludlow, Norris of Shoreham, Notte of Rutland City, Potter of Clarendon, Shaw of Pittsford and Sullivan of Dorset,

House bill, entitled

An act relating to expediting evictions for owner-occupied rental properties;

To the committee on General, Housing, and Military Affairs.

Senate Bill Referred

S. 11

Senate bill, entitled

An act relating to limiting senatorial districts to a maximum of three members

Was read and referred to the committee on Government Operations.

Joint Resolution Placed on Calendar

J.R.S. 14

By Senators Balint, Ashe, Baruth, Benning, Bray, Brock, Campion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, and White,

J.R.S. 14. Joint resolution condemning the murder of Washington Post columnist Jamal Khashoggi and affirming the central importance of freedom of the press.

Whereas, Jamal Khashoggi was a prominent Saudi journalist who once served as an advisor to his nation's government, and

Whereas, despite his status in Saudi society, Jamal Khashoggi fell out of favor with senior Saudi officials and opted for self-imposed exile in the United States, and in 2017 he became a columnist for the *Washington Post*, writing critically about Saudi Crown Prince Mohammed bin Salman, and

Whereas, on October 2, 2018, Jamal Khashoggi entered the Saudi consulate in Istanbul, Turkey, on a family matter and was killed, and U.S. intelligence officials have concluded with "high confidence" that the crown prince of Saudi Arabia ordered the killing, and

Whereas, following a classified CIA briefing on December 4, 2018, a bipartisan group of U.S. Senators concluded that Saudi Crown Prince Mohammed bin Salman ordered the killing, and

Whereas, Jamal Khashoggi's remains have yet to be found, and

Whereas, the killing of an American-resident journalist was an appalling act that Saudi Arabia acknowledges was deliberate, and

Whereas, despite the CIA's strong evidence to the contrary, Saudi Arabia claims that the killing was not authorized, but was the act of a group of rogue Saudi-government employees, and

Whereas, the Khashoggi death occurred at a time when press freedom is under increased threat both domestically and internationally, and

Whereas, Freedom House, in its recently issued report, "State of Global Press Freedom 2017–2018," commented that "five years ago, global pressure on the media did not appear to affect the United States or the established

democracies of Europe in any significant way” but that now “populist leaders constitute a major threat to free expression in these open societies,” and

Whereas, Reporters Without Borders has observed that “more and more democratically-elected leaders no longer see the media as part of democracy’s essential underpinning,” and

Whereas, a recent Quinnipiac University poll found that 26 percent of American voters view the press as the enemy, and

Whereas, the critical importance of the guarantees of a free press enshrined in the First Amendment to the U.S. Constitution is truly apparent, and

Whereas, internationally, a prominent example of an attack on one of the world’s most venerable media organizations is the recent jailing for seven-year terms of two Myanmar-based Reuters reporters, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly condemns the murder of *Washington Post* columnist Jamal Khashoggi and affirms the central importance of freedom of the press, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Embassy of the Kingdom of Saudi Arabia, the Reporters Committee for Freedom of the Press, Freedom House, and Reporters Without Borders.

Which was read and, in the Speaker’s discretion, placed on the Calendar for action tomorrow under Rule 52.

Joint Resolution Adopted in Concurrence

J.R.S. 15

By Senator Ashe,

J.R.S. 15. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 15, 2019, it be to meet again no later than Tuesday, February 19, 2019.

Was taken up, read and adopted in concurrence.

Second Reading; Bill Amended; Third Reading Ordered

H. 63

Rep. Forguites of Springfield, for the committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill entitled,

An act relating to the time frame for return of unclaimed beverage container deposits

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 1530 is amended to read:

§ 1530. ABANDONED BEVERAGE CONTAINER DEPOSITS; ~~DEPOSIT TRANSACTION ACCOUNT; BEVERAGE REDEMPTION FUND~~

(a) As used in this section, “deposit initiator” means the first distributor or manufacturer to collect the deposit on a beverage container sold to any person within the State.

~~(b) A deposit initiator shall open a separate interest-bearing account to be known as the deposit transaction account in a Vermont branch of a financial institution. The deposit initiator shall keep the deposit transaction account separate from all other revenues and accounts.~~

~~(c) Beginning on October 1, 2019, each deposit initiator shall deposit in its deposit transaction account the refund value established by section 1522 of this title for all beverage containers sold by the deposit initiator. The deposit initiator shall deposit the refund value for each beverage container in the deposit transaction account not more than three business days after the date on which the beverage container is sold. All interest, dividends, and returns earned on the deposit transaction account shall be paid directly to the account. The deposit initiator shall pay all refunds on returned beverage containers from the deposit transaction account.~~

(d) Beginning on January 1, 2020, and quarterly thereafter, every deposit initiator shall report to the Secretary of Natural Resources and the Commissioner of Taxes concerning transactions affecting the deposit initiator’s deposit transaction account in the preceding quarter. The deposit initiator shall submit the report on a form provided by the Commissioner of Taxes. The report shall include:

(1) ~~the balance of the deposit transaction account at the beginning of the preceding quarter;~~

~~(2) the number of beverage containers sold in the preceding quarter and the number of beverage containers returned in the preceding quarter;~~

(3) (2) the amount of beverage container deposits received by the deposit initiator and deposited into the deposit transaction account;

(4) (3) the amount of refund payments made from the deposit transaction account in the preceding quarter; and

~~(5)~~ any income earned on the deposit transaction account in the preceding quarter;

~~(6)~~ any other transactions, withdrawals, or service charges on the deposit transaction account from the preceding quarter; and

~~(7)~~(4) any additional information required by the Commissioner of Taxes.

~~(e)~~(c)(1) On or before January 1, 2020, and quarterly thereafter, each deposit initiator shall remit from its deposit transaction account to the Commissioner of Taxes any abandoned beverage container deposits from the preceding quarter. The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that should be in the deposit transaction account less the sum of:

~~(A)~~ income earned on amounts on the deposit transaction account during that quarter; and

~~(B)~~ the total amount of refund value paid out by the deposit initiator for beverage containers during that quarter the deposit initiator collected in the quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.

(2) In any calendar quarter, the deposit initiator may submit to the Commissioner of Taxes a request for reimbursement of refunds paid under this chapter that exceed the funds that are or should be in the deposit initiator's deposit transaction account amount of deposits collected in the quarter. The Commissioner of Taxes shall pay a request for reimbursement under this subdivision from the funds remitted to the Commissioner under subdivision (1) of this subsection, provided that:

(A) the Commissioner determines that the funds in the deposit initiator's deposit transaction account deposits collected by the deposit initiator are insufficient to pay the refunds on returned beverage containers; and

(B) a reimbursement paid by the Commissioner to the deposit initiator shall not exceed the amount paid by the deposit initiator under subdivision (1) of this subsection ~~(e)~~(c) during the preceding 12 months less amounts paid to the initiator pursuant to this subdivision (2) during that same 12-month period.

~~(f)~~(d) The Secretary of Natural Resources may prohibit the sale of a beverage that is sold or distributed in the State by a deposit initiator who fails to comply with the requirements of this chapter. The Secretary may allow the sale of a beverage upon the deposit initiator's coming into compliance with the requirements of this chapter.

(e) Data reported to the Secretary of Natural Resources and the Commissioner of Taxes by a deposit initiator under this section shall be confidential business information exempt from public inspection and copying under 1 V.S.A. § 317(c)(9), provided that the Commissioner of Taxes may use and disclose such information in summary or aggregated form that does not directly or indirectly identify individual deposit initiators.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Masland of Thetford, for the committee on Ways and Means, recommended the bill ought to pass when amended by the committee on Natural Resources, Fish, and Wildlife.

The bill, having appeared on the Calendar one day for notice, was taken up, read second time, the report of the committees on Natural Resources, Fish, and Wildlife and Ways and Means agreed to and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 135

Rep. Yantachka of Charlotte, for the committee on Energy and Technology, to which had been referred House bill, entitled

An act relating to the authority of the Agency of Digital Services

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 218 is amended to read:

§ 218. ~~AGENCY/DEPARTMENT~~ AGENCY AND DEPARTMENT RECORDS MANAGEMENT PROGRAM

(a) The General Assembly finds that public records are essential to the administration of State and local government. Public records contain information ~~which~~ that allows government programs to function, provides officials with a basis for making decisions, and ensures continuity with past operations. Public records document the legal responsibilities of government, help protect the rights of citizens, and provide citizens a means of monitoring government programs and measuring the performance of public officials. Public records provide documentation for the functioning of government and for the retrospective analysis of the development of Vermont government and the impact of programs on citizens. Public records in general and archival records in particular need to be systematically managed to preserve their legal,

historic, and informational value, to provide ready access to vital information, and to promote the efficient and economical operation of government.

* * *

(c) For an agency or department records program to be approved by the Vermont State Archives and Records Administration, the head of each State agency or department shall:

* * *

(10) implement and sustain a record schedule in accordance with requirements established by the Vermont State Archives and Records Administration under section 117 of this title and the ~~Department of Information and Innovation~~ Agency of Digital Services under ~~subdivision 2222(a)(10)~~ chapter 56 of this title.

* * *

Sec. 2. 3 V.S.A. § 346 is amended to read:

§ 346. STATE CONTRACTING; INTELLECTUAL PROPERTY,

SOFTWARE DESIGN, AND INFORMATION TECHNOLOGY

(a) The Secretary of Administration shall include in Administrative Bulletin 3.5 a policy direction applicable to State procurement contracts that include services for the development of software applications, computer coding, or other intellectual property, which would allow the State of Vermont to grant permission to the contractor to use or own the intellectual property created under the contract for the contractor's commercial purposes.

* * *

(c) If the Secretary authorizes a contractor to own intellectual property developed under a State contract, the Secretary may recommend language to ensure the State retains a perpetual, irrevocable, royalty-free, and fully paid right to continue to use the intellectual property including escrow for perpetual use at least annually.

Sec. 3. 3 V.S.A. § 2222 is amended to read:

§ 2222. POWERS AND DUTIES; BUDGET AND REPORT

(a) In addition to the duties expressly set forth elsewhere by law, the Secretary shall:

(1) As principal administrative aide to the Governor, plan, organize, direct, control, integrate, coordinate, and supervise all functions and programs of the Agency and its departments and divisions.

* * *

~~(9) Submit to the General Assembly concurrent with the Governor's annual budget request required under 32 V.S.A. § 306, a strategic plan for information technology and information security that outlines the significant deviations from the previous year's plan, and that details the plans for information technology activities of State government for the following fiscal year as well as the administration's financing recommendations for these activities. For purposes of this section, "information security" shall mean protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide integrity, confidentiality, and availability. All such plans shall be reviewed and approved by the State Chief Information Officer prior to being included in the Governor's annual budget request. The plan shall identify the proposed sources of funds for each project identified. The plan shall also contain a review of the State's information technology and information security and an identification of priority projects by agency. The plan shall include, for any proposed information technology activity with a cost in excess of \$500,000.00:~~

~~(A) a life-cycle costs analysis including planning, purchase, and development of applications, the purchase of hardware, and the ongoing operation and maintenance costs to be incurred over the expected life of the systems; and a cost-benefit analysis that shall include acquisition costs as well as operational and maintenance costs over the expected life of the system;~~

~~(B) the cost savings and any service delivery improvements, or both, that will accrue to the public or to State government;~~

~~(C) a statement identifying any impact of the proposed new computer system on the privacy or disclosure of individually identifiable information;~~

~~(D) a statement identifying costs and issues related to public access to nonconfidential information;~~

~~(E) a statewide budget for all information technology activities with a cost in excess of \$500,000.00. [Repealed.]~~

~~(10) The Secretary shall annually submit to the General Assembly a five-year information technology and information security plan that indicates the anticipated information technology activities of the Executive Branch of State government. For purposes of this section, "information technology activities" shall mean:~~

~~(A) the creation, collection, processing, storage, management, transmission, or conversion of electronic data, documents, or records;~~

~~(B) the design, construction, purchase, installation, maintenance, or operation of systems, including hardware, software, and services that perform or are contracted under Administrative Bulletin 3.5 to perform these activities. [Repealed.]~~

* * *

~~(g)(1) The Secretary of Administration shall obtain independent expert review of any recommendation for any information technology activity initiated after July 1, 1996, as information technology activity is defined by subdivision (a)(10) of this section, when its total cost is \$1,000,000.00 or greater or when required by the State Chief Information Officer. Documentation of this independent review shall be included when plans are submitted for review pursuant to subdivisions (a)(9) and (10) of this section. The independent review shall include:~~

- ~~(A) an acquisition cost assessment;~~
- ~~(B) a technology architecture review;~~
- ~~(C) an implementation plan assessment;~~
- ~~(D) a cost analysis and a model for benefit analysis;~~
- ~~(E) a procurement negotiation advisory services contract; and~~

~~(F) an impact analysis on net operating costs for the agency carrying out the activity.~~

~~(2) The Secretary of Administration may assess the costs of any review to the entity making the information technology recommendations. [Repealed.]~~

* * *

Sec. 4. 3 V.S.A. § 2283b is amended to read:

§ 2283b. DEPARTMENT OF INFORMATION AND INNOVATION

~~The Department of Information and Innovation is created within the Agency of Administration. The Department shall administer the programs and perform the functions assigned to it in 22 V.S.A. chapter 15 and is charged with other responsibilities assigned to it by law. [Repealed.]~~

Sec. 5. 3 V.S.A. chapter 56 is added to read:

CHAPTER 56. AGENCY OF DIGITAL SERVICES

§ 3301. AGENCY OF DIGITAL SERVICES; CREATED

(a) The Agency of Digital Services is created to provide information technology services and solutions in State government. The cost of the oversight, monitoring, and control shall be assessed to the entity requesting the

activity. The Agency shall have all the responsibilities assigned to it by law, including the following:

(1) Provide services for all activities directly related to information technology and cybersecurity, including telecommunications services, information technology equipment, software, accessibility, networks in State government, and the sharing of data and information within State government.

(2) Review and approve all information technology activities within State government.

(3) Prepare and submit an annual report to the General Assembly for information technology, as described in section 3303 of this chapter.

(4) Prepare and submit a strategic plan for information technology and cybersecurity to the General Assembly, as described in section 3303 of this chapter.

(5) Obtain independent expert review of any new information technology projects, as required by section 3303 of this chapter.

(6) Provide strategy, services, and solutions for information technology activities within State government.

(7) Provide information technology project management services and business analyst services to the Executive Branch. When project managers are not available, the Agency shall procure those services and bill them back to the agencies using the services.

(8) Provide standards for the management, organization, and tracking of information technology activities within State government.

(9) Create information technology procurement policy and process for State government in collaboration with the Agency of Administration, and review all information technology and information technology requests for proposal in accordance with Agency of Administration policies.

(10) Perform the responsibilities of the Secretary of Administration under 30 V.S.A. § 227b.

(11) Inventory technology fixed assets within State government.

(12) Manage the training and classification of information technology employees within State government in collaboration with the Agency of Administration.

(13) Support the statewide development of broadband telecommunications infrastructure and services, in a manner consistent with the telecommunications plan prepared pursuant to 30 V.S.A. § 202d and

community development objectives established by the Agency of Commerce and Community Development, by:

(A) purchasing telecommunications services or facilities at rates competitive within the national marketplace;

(B) sharing bandwidth with service providers or other users;

(C) establishing equipment colocation arrangements with service providers; or

(D) making other reasonable arrangements.

(14) Develop information technology and cybersecurity policies for State government.

(15) Provide technical support and services to the Legislative and Judicial branches, as needed.

(b) As used in this section:

(1) “Cybersecurity” means the protection of an information system or information stored on such information system against any act or attempt, direct or indirect, successful or unsuccessful, to gain unauthorized access, use, disclose, disrupt, modify, or destroy the information system or information stored on such information system.

(2) “Information technology activities” means:

(A) the creation, collection, processing, storage, management, transmission, or conversion of electronic data, documents, or records; and

(B) the design, construction, purchase, installation, maintenance, or operation of systems, including hardware, software, and services that perform or are contracted under Administrative Bulletin 3.5 to perform these activities.

(3) “State government” means the agencies of the Executive Branch of State government.

§ 3302. APPOINTMENT OF SECRETARY; POWERS AND DUTIES

(a) The Governor, with the advice and consent of the Senate, shall appoint the Secretary of Digital Services who shall be the Chief Information Officer of the State. The Secretary shall appoint a deputy secretary who shall serve at the pleasure of the Secretary.

(b) The Secretary shall serve as the administrative head of the Agency of Digital Services, and shall have the following responsibilities:

(1) coordinate and optimize the use of technology within State government;

(2) approve, in consultation with the Agency of Administration, State government information technology contracts and procurement activity;

(3) review and approve State government information technology and cybersecurity policies;

(4) approve State government information technology recruitment and classification of employees; and

(5) supervise all information technology employees and contractors in State government.

§ 3303. REPORTING, RECORDS, AND REVIEW REQUIREMENTS

(a) Annual report and budget.

(1) The Secretary shall submit to the General Assembly, concurrent with the Governor's annual budget request required under 32 V.S.A. § 306, an annual report for information technology and cybersecurity. The report shall reflect the priorities of the Agency, and shall include:

(A) performance metrics and trends, including baseline and annual measurements, for each division of the Agency;

(B) a financial report of revenues and expenditures to date for the current fiscal year;

(C) costs avoided or saved as a result of technology optimization for the previous fiscal year;

(D) an outline summary of information, including scope, schedule, budget, and status for information technology projects with a total costs of \$500,000.00 or greater;

(E) an annual update to the strategic plan prepared pursuant to subsection (c) of this section;

(F) a summary of independent reviews as required by subsection (d) of this section; and

(G) the Agency budget submission.

(b) Records. The Agency shall maintain the following records for information technology projects with a total cost of \$500,000.00 or greater:

(1) A business case, including life-cycle costs and sources of funds for design, development, and implementation, as well as maintenance and operations. The business case shall include expected benefits, including cost savings and service delivery improvements.

(2) Detailed project plans and status reports, including risk identification and risk mitigation plans.

(c) Strategic plan. Biennially, on or before January 15, the Secretary shall prepare and submit a strategic plan for information technology and cybersecurity. The strategic plan shall include:

(1) the Agency's vision, mission, objectives, strategies, and overarching action plans for information technology within State government; and

(2) an update on the information technology goals for State government for the following fiscal year.

(d) Independent expert review.

(1) The Agency shall obtain independent expert review of any new information technology projects with a total cost of \$1,000,000.00 or greater or when required by the Chief Information Officer.

(2) The independent review shall include:

(A) an acquisition cost assessment;

(B) a technology architecture and standards review;

(C) an implementation plan assessment;

(D) a cost analysis and a model for benefit analysis;

(E) an analysis of alternatives;

(F) an impact analysis on net operating costs for the agency carrying out the activity; and

(G) a security assessment.

(3) The requirement to obtain independent expert review described in subdivision (1) of this subsection (d) may be waived by the Chief Information Officer if, in his or her judgment, such a review would be duplicative of one or more reviews that have been, or will be, conducted under a separate federal or State requirement. If waived, such waiver shall be in writing and in accordance with procedures established by the Chief Information Officer.

§ 3304. INFORMATION TECHNOLOGY INTERNAL SERVICE FUND

(a) An Information Technology Internal Service Fund is created to support activities of the Agency of Digital Services.

(b) An agency, department, or division or other State or nonstate entity that receives services of the Agency of Digital Services shall be charged for those services on a basis established by the Secretary of Digital Services with the approval of the Secretary of Administration.

Sec. 6. 10 V.S.A. § 122 is amended to read:

§ 122. VERMONT CENTER FOR GEOGRAPHIC INFORMATION,
INCORPORATED; ESTABLISHMENT

* * *

(b) In order to develop and implement that strategy, and to ensure that all data gathered by State agencies that is relevant to the VGIS shall be in a form that is compatible with, useful to, and shared with that geographic information system, there is hereby established the Vermont Center for Geographic Information (the Center) as a ~~division~~ unit of the Data Management Division under the Agency of Digital Services ~~the Vermont Center for Geographic Information (the Center)~~.

(c) [Repealed.]

Sec. 7. REPEAL

22 V.S.A. chapter 15 (Department of Information and Innovation) is repealed.

Sec. 8. 22 V.S.A. § 952 is amended to read:

§ 952. VERMONT WEB PORTAL; VERMONT WEB PORTAL BOARD;
MEMBERSHIP

(a) There is created the Vermont web portal ~~which~~ that shall be governed by a Board consisting of ~~10~~ 12 members as follows:

(1) ~~The Commissioner of Information and Innovation~~ the Secretary of Digital Services or ~~his or her~~ designee;

(2) ~~The~~ the Secretary of State or ~~his or her~~ designee;

(3) ~~The~~ the Secretary of Administration or ~~his or her~~ designee;

(4) ~~The~~ the State Librarian or ~~his or her~~ designee;

(5) ~~The~~ the Court Administrator or ~~his or her~~ designee;

(6) the Chief Marketing Officer of the Agency of Commerce and Community Development or designee;

(7) the Chief Data Officer of the Agency of Digital Services or designee;

(6)(8) ~~One~~ one member or ~~his or her~~ designee who is an officer of the Executive ~~branch~~ Branch as identified in 32 V.S.A. § 1003(b), other than of the Department of Finance and Management, the ~~Department of Information~~

and ~~Innovation Agency of Digital Services~~, and the Department of Libraries, and who shall be appointed by the Governor;

~~(7)~~(9) Two two members appointed by the Vermont State Employees' Association; and

~~(8)~~(10) One one member of the House of Representatives who is also a member of the Legislative Information Technology Committee, appointed by the Speaker of the House, and one member of the Vermont Senate who is also a member of the Legislative Information Technology Committee, appointed by the Committee on Committees.

* * *

Sec. 9. 22 V.S.A. § 953 is amended to read:

§ 953. VERMONT WEB PORTAL BOARD; DUTIES

(a) The Board shall:

(1) Oversee the development of a self-funded web portal and establish charges for the services it provides.

(2) Oversee development, implementation, and promotion, in cooperation with the ~~Department of Information and Innovation Agency of Digital Services~~, of electronic commerce and digital signature applications involving the State of Vermont.

(3) Serve in an advisory capacity to the Agency of ~~Administration Digital Services~~ and other State agencies regarding the dissemination and collection of State data to and from the citizens and businesses of Vermont.

(4) Seek ~~advice~~ input from the general public, users of the web portal, professional associations, academic groups, and institutions and individuals with knowledge or interest in computer networking, electronic mail, public information access, gateway services, add-on services, and electronic filing of information.

(5) Accept gifts, donations, and grants for the support of the Vermont web portal.

(6) Oversee drafting and implementation by the ~~Department of Information and Innovation Agency of Digital Services~~ of the contract with the web portal service provider. This contract shall comply with State security and privacy standards.

* * *

Sec. 10. 30 V.S.A. § 202d is amended to read:

§ 202d. TELECOMMUNICATIONS PLAN

(a) The Department of Public Service shall constitute the responsible planning agency of the State for the purpose of obtaining for all consumers in the State stable and predictable rates and a technologically advanced telecommunications network serving all service areas in the State. The Department shall be responsible for the provision of plans for meeting emerging trends related to telecommunications technology, markets, financing, and competition.

(b) The Department shall prepare the Telecommunications Plan for the State. The ~~Department of Innovation and Information~~ Agency of Digital of Services, the Agency of Commerce and Community Development, and the Agency of Transportation shall assist the Department in preparing the Plan. The Plan shall be for a 10-year period and shall serve as a basis for State telecommunications policy. Prior to preparing the Plan, the Department shall prepare:

* * *

(4) An assessment, conducted in cooperation with the ~~Department of Innovation and Information~~ Agency of Digital Services and the Agency of Transportation, of the current State telecommunications system and evaluation of alternative proposals for upgrading the system to provide the best available and affordable technology for use by government.

* * *

(d) In establishing plans, public hearings shall be held and the Department shall consult with members of the public, representatives of telecommunications utilities with a certificate of public good, other providers, including the Vermont Electric Power Co., Inc. (VELCO), and other interested State agencies, particularly the Agency of Commerce and Community Development, the Agency of Transportation, and the ~~Department of Innovation and Information~~ Agency of Digital Services, whose views shall be considered in preparation of the Plan. To the extent necessary, the Department shall include in the Plan surveys to determine existing, needed, and desirable plant improvements and extensions, access and coordination between telecommunications providers, methods of operations, and any change that will produce better service or reduce costs. To this end, the Department may require the submission of data by each company subject to supervision by the Public Utility Commission.

* * *

Sec. 11. 32 V.S.A. § 183 is amended to read:

§ 183. FINANCIAL AND HUMAN RESOURCE INFORMATION

INTERNAL SERVICE FUND

(a) There is established in the Department of Finance and Management a Financial and Human Resource Information Internal Service Fund, to consist of revenues from charges to agencies, departments, and similar units of Vermont State government, and to be available to fund the costs of the Division of Financial Operations in the Department of Finance and Management, and the technical support and services provided by the ~~Department of Information and Innovation~~ Agency of Digital Services for the statewide central accounting and encumbrance, budget development, and human resource management systems.

(b) The rate of the charges shall be proposed by the Commissioner of Finance and Management, subject to the approval of the Secretary of Administration. Proposed rates of charges shall be based upon the cost of operations.

Sec. 12. 32 V.S.A. § 315 is amended to read:

~~§ 315. ANNUAL REPORT; INFORMATION TECHNOLOGY~~

~~(a) Annual report. The Agency of Administration shall annually present to the General Assembly a five-year Information Technology (IT) Program. The Program shall be consistent with the planning process established in 22 V.S.A. § 901 and shall include for each fiscal year:~~

- ~~(1) IT activities estimated to cost \$1,000,000.00 or more;~~
- ~~(2) systemwide performance measures;~~
- ~~(3) performance measures for projects; and~~
- ~~(4) the budget for the Department of Information and Innovation (DII).~~

~~(b) IT activities estimated to cost \$1,000,000.00 or more.~~

~~(1) For each new proposed project with an estimated total cost that exceeds \$1,000,000.00, there shall be:~~

- ~~(A) a description of the project;~~
- ~~(B) the justification for the scope of the project;~~
- ~~(C) an explanation of proposed project management methodology, including the relationship between chosen methodology and project scope;~~
- ~~(D) a project budget that includes all projected costs, including operating costs and personnel services; and~~
- ~~(E) a project timeline with projected costs, matched to a detailed list of all estimated funding sources and amounts.~~

~~(2) The reporting requirements set forth in subdivision (1) of this subsection shall not be interpreted or applied to limit the project methodology chosen for any project.~~

~~(3) For each ongoing project with an estimated total cost that exceeds \$1,000,000.00, there shall be:~~

~~(A) a budget that includes all costs including operating costs and personnel services;~~

~~(B) a cost benefit analysis, which shall include:~~

~~(i) an explanation of ongoing costs, including training and maintenance, after project implementation;~~

~~(ii) an analysis of the net benefit to the project users, and to the State, from proceeding with the project, in comparison to not proceeding with the project;~~

~~(iii) projected savings, including personnel services, if any, that will result from the project; and~~

~~(iv) other benefits to the project users, and to the State, from proceeding with the project, in comparison to not proceeding with the project; and~~

~~(C) a statement whether any of the information provided pursuant to subdivision (1) of this subsection (b) has changed or is no longer accurate and an explanation of the reasons.~~

~~(c) Systemwide performance measures. The Agency of Administration shall develop systemwide performance measures which analyze the overall performance of the State government IT system. The Program:~~

~~(1) shall indicate the background and utility of the performance measures;~~

~~(2) shall track the performance measures over time;~~

~~(3) where appropriate, shall recommend the setting of targets for the performance measures;~~

~~(4) shall indicate the overall condition of the system; and~~

~~(5) shall indicate potential risks measured by severity and likelihood and plans to mitigate those risks.~~

~~(d) Performance measures. The Agency of Administration shall develop performance measures for projects. The Program:~~

~~(1) shall indicate the background and utility of the performance measures;~~

~~(2) shall track the performance measures over time; and~~

~~(3) shall indicate potential risks measured by severity and likelihood and plans to mitigate those risks.~~

~~(e) The budget for DII. The Program shall include:~~

~~(1) the recommended budget for DII; and~~

~~(2) the DII fee charged to each branch, agency, and department and the services provided.~~

~~(f) Each year following the submission of an IT Program under this section, the Agency shall prepare and make available to the public the Program. [Repealed.]~~

Sec. 13. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Energy and Technology agreed to and third reading ordered.

Adjournment

At one o'clock and twenty-nine minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.