

Journal of the House

Wednesday, May 8, 2019

At ten o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Randi Hacker of Montpelier.

Message from the Senate No. 51

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 adopted joint resolution of the following title:

J.R.S. 27. Joint resolution relating to weekend adjournment.

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

The Senate has considered a bill originating in the House of the following title:

H. 82. An act relating to the taxation of timber harvesting equipment.

And has passed the same in concurrence.

The Governor has informed the Senate that on the sixth day of May, he approved and signed bills originating in the Senate of the following titles:

S. 53. An act relating to determining the proportion of health care spending allocated to primary care.

S. 68. An act relating to Indigenous Peoples' Day.

S. 89. An act relating to allowing reflective health benefit plans at all metal levels.

Bill Referred to Committee on Ways and Means

S. 160

Senate bill, entitled

An act relating to agricultural development

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Senate Proposal of Amendment Concurred in

H. 104

The Senate proposed to the House to amend House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

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

* * * Office of Professional Regulation * * *

Sec. 1. 3 V.S.A. § 121 is amended to read:

§ 121. DEFINITIONS

As used in this subchapter:

(1) “Director” means the Director of the Office of Professional Regulation.

(2) “Licensing board” or “board” refers to the boards, commissions, and professions listed in section 122 of this ~~title subchapter~~ and, in the case of disciplinary matters or denials of licensure, either an administrative law officer appointed under subsection 129(j) of this ~~title subchapter~~ or the Director in advisor professions. Notwithstanding statutory language to the contrary, this subchapter shall apply to all those boards.

(3)(A) “License” includes any certification or registration or a permit, commission, or other official authorization to undertake a regulated activity.

(B) “Licensee” includes ~~registrants and holders of certificates or permits~~ any person to whom a license has been issued by a board or the Director.

(4) “Office” means the Office of Professional Regulation.

Sec. 2. 3 V.S.A. § 122 is amended to read:

§ 122. OFFICE OF PROFESSIONAL REGULATION

The Office of Professional Regulation is created within the Office of the Secretary of State. The Office shall have a director who shall be appointed by the Secretary of State and shall be an exempt employee. The following boards or professions are attached to the Office of Professional Regulation:

* * *

(17) ~~Board of Radiologic Technology~~

* * *

(29) ~~Board of Real Estate Appraisers~~

* * *

(48) Notaries Public

Sec. 3. 3 V.S.A. § 127 is amended to read:

§ 127. UNAUTHORIZED PRACTICE

(a) When the Office receives a complaint of unauthorized practice, the Director shall refer the complaint to Office investigators and prosecutors.

(b)(1) A person practicing a regulated profession without authority or an employer permitting such practice may, upon the complaint of the Attorney General or a State's Attorney or an attorney assigned by the Office of Professional Regulation, be enjoined therefrom by the Superior Court where the violation occurred or the Washington County Superior Court and may be assessed a civil penalty of not more than ~~\$1,000.00~~ \$5,000.00.

(2)(A) The Attorney General or an attorney assigned by the Office of Professional Regulation may elect to bring an action seeking only a civil penalty of not more than ~~\$1,000.00~~ \$2,500.00 for practicing or permitting the practice of a regulated profession without authority before the board having regulatory authority over the profession or before an administrative law officer.

(B) Hearings shall be conducted in the same manner as disciplinary hearings.

(3)(A) A civil penalty imposed by a board or administrative law officer under this subsection (b) shall be deposited in the Professional Regulatory Fee Fund established in section 124 of this chapter for the purpose of providing education and training for board members and advisor appointees.

(B) The Director shall detail in the annual report receipts and expenses from these civil penalties.

(c) In addition to other provisions of law, unauthorized practice shall be punishable by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both. Prosecution may occur upon the complaint of the Attorney General or a State's Attorney or an attorney assigned by the Office of Professional Regulation under this section and shall not act as a bar to civil or administrative proceedings involving the same conduct.

* * *

Sec. 4. 3 V.S.A. § 129a is amended to read:

§ 129a. UNPROFESSIONAL CONDUCT

(a) In addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. When that conduct is by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action. Any one of the following items or any combination of items, whether the conduct at issue was committed within or outside the State, shall constitute unprofessional conduct:

* * *

(26) Sexually harassing or exploiting a patient, client, or consumer, or doing so to a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers; failing to maintain professional boundaries; or violating a patient, client, or consumer's reasonable expectation of privacy.

* * *

(d)(1) After hearing, and upon a finding of unprofessional conduct, a board or an administrative law officer may take disciplinary action against a licensee or applicant, including imposing an administrative penalty not to exceed \$1,000.00 \$5,000.00 for each unprofessional conduct violation.

(2)(A) Any money received under this subsection shall be deposited in the Professional Regulatory Fee Fund established in section 124 of this ~~title~~ chapter for the purpose of providing education and training for board members and advisor appointees.

(B) The Director shall detail in the annual report receipts and expenses from money received under this subsection.

* * *

Sec. 5. 3 V.S.A. § 129b is amended to read:

§ 129b. BOARD MEMBER AND ADVISOR APPOINTMENTS

* * *

(g) For advisor professions, ~~advisors~~:

(1) Advisors shall be appointed by the Secretary of State and shall serve at the pleasure of the Secretary of State. Advisor appointments shall be subject to the same conditions as those for board members under this section.

(2) The Office shall warn and conduct an open meeting including advisors, program staff, and interested members of the public:

(A) at least once per year for each profession with 500 or fewer

active licensees; and

(B) at least twice per year for each profession with more than 500 active licensees.

Sec. 6. 3 V.S.A. § 135 is amended to read:

§ 135. UNIFORM STANDARD FOR RENEWAL FOLLOWING
EXTENDED ABSENCE

(a) Notwithstanding any provision of law to the contrary, when an applicant seeks to renew an expired or lapsed license after fewer than five years of absence from practice, readiness to practice shall be inferred from completion of any continuing education that would have been required if the applicant had maintained continuous licensure, or by any less burdensome showing set forth in administrative rules specific to the profession or permitted by the Director.

* * *

Sec. 7. PROFESSIONAL REGULATION; ANALYSIS OF STATE
REGULATORY STRUCTURES

(a) Findings.

(1) The General Assembly finds that multiple State agencies regulate a variety of professions and occupations, resulting in professional regulatory structures that vary throughout the State.

(2) The General Assembly further finds that the State should review whether transferring the regulation of certain professions and occupations to a different State agency would enhance the effectiveness of those professional regulatory structures, including by improving public protection and customer service, reducing unnecessary barriers to licensure, and increasing efficiencies in the staffing, information technology, and other necessary costs associated with professional regulation.

(b) Office of Professional Regulation, Agency of Administration, and other specified agencies; analysis and report.

(1) The Office of Professional Regulation and the Agency of Education, the Agency of Human Services, the Agency of Natural Resources, the Department of Public Safety, and the Department of Health shall collaborate in analyzing the professions and occupations that each of those agencies regulate in order to determine whether the effectiveness of those professional regulatory structures, including the elements of effectiveness described in subdivision (a)(2) of this section, would be enhanced by transferring an agency's professional regulation to a different agency.

(2) In conducting their analysis, the agencies shall consider the professional regulation reports and other information gathered as a result of 2016 Acts and Resolves No. 156, Secs. 20 and 21.

(3) The Office of Professional Regulation and the Agency of Administration shall lead this collaboration among all the agencies named in subdivision (1) of this subsection, but are encouraged to seek any available grants from outside resources that may enable the agencies to contract with an independent entity to conduct this analysis.

(4) On or before January 15, 2020, the independent entity or, if a contract with such an entity was not executed, the Office of Professional Regulation and the Agency of Administration shall report to the House Committees on Government Operations, on Education, on Human Services, on Health, on Natural Resources, Fish, and Wildlife, and on Commerce and Economic Development and the Senate Committees on Government Operations, on Education, on Health and Welfare, on Natural Resources and Energy, and on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action.

Sec. 7a. SPECIFIED PROFESSIONAL REGULATORY ENTITIES;
REPORT ON APPRENTICESHIP PATHWAYS TO LICENSURE

On or before January 15, 2020, the Office of Professional Regulation and the Agency of Administration shall collect the following information from the Agency of Education, the Agency of Human Services, the Agency of Natural Resources, the Department of Public Safety, and the Department of Health and report that information, along with the Office's own information, to the Senate and House Committees on Government Operations, the Senate Committee on Economic Development, Housing and General Affairs, and the House Committee on Commerce and Economic Development:

(1) a list of all professions licensed under the entity's authority, identifying which of the licensed professions have an apprenticeship pathway to licensure and which do not;

(2) an explanation detailing why professions that do not have an apprenticeship pathway to licensure do not, and if one should be established; and

(3) a proposal for how to implement an apprenticeship pathway to licensure for those professions for which such a pathway should be established.

Sec. 7b. SPECIFIED PROFESSIONAL REGULATORY ENTITIES;
REPORT ON BRIDGE-TO-LICENSURE PROGRAMS FOR
CANADIAN CREDENTIALS

(a) The Office of Professional Regulation, the Agency of Education, the Agency of Human Services, the Agency of Natural Resources, the Department of Public Safety, and the Department of Health shall identify direct license equivalents, if any, to credentials issued by Canadian federal and provincial licensing bodies for professions licensed under the entity's authority and propose bridge-to-licensure programs where supplemental effort is needed to meet Vermont's licensing criteria.

(b) The Office of Professional Regulation and the Agency of Administration shall collaborate with the other agencies and departments specified in subsection (a) of this section in order to submit on or before January 15, 2020 a unified report that includes any recommended changes to statute to the Senate and House Committees on Government Operations, the Senate Committee on Economic Development, Housing and General Affairs, and the House Committee on Commerce and Economic Development.

Sec. 8. CREATION OF POSITION WITHIN THE OFFICE OF
PROFESSIONAL REGULATION; LICENSING

(a) There is created within the Secretary of State's Office of Professional Regulation one new permanent classified Licensing Administrator position.

(b) Any funding necessary to support the position created in subsection (a) of this section shall be derived entirely from the Office's Professional Regulatory Fee Fund.

* * * Accountants * * *

Sec. 9. 26 V.S.A. chapter 1 is amended to read:

CHAPTER 1. ACCOUNTANTS

Subchapter 1. General Provisions

* * *

§ 13. DEFINITIONS

As used in this chapter:

* * *

~~(4) "Disciplinary action" or "disciplinary cases" includes any action taken by a board against a licensee, registrant, or applicant premised upon a finding of wrongdoing or unprofessional conduct by the licensee or applicant. It includes all sanctions of any kind, excluding obtaining injunctions, but including issuing warnings, other similar sanctions, and ordering restitution. [Repealed.]~~

(5) "Firm" means a sole proprietorship, a corporation, a partnership,

association, or any other entity that practices public accountancy.

(6) ~~“Foreign firm” means a firm not located in the United States, its territories, or possessions. [Repealed.]~~

* * *

(14) “Sole proprietorship,” when used for the specific purpose of describing the fee category applicable to a firm under this chapter, means a firm that employs only one certified public accountant.

(15) “State” includes the states of the United States, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and other jurisdictions recognized by the National Association of State Boards of Accountancy (NASBA).

* * *

§ 17. PENALTY

Any person who violates any provision of section 14 of this title chapter shall be subject to the penalties set forth in 3 V.S.A. § 127(e).

* * *

Subchapter 3. Licenses

* * *

§ 74a. FOREIGN REGISTRATION

~~(a) A foreign firm licensed or registered in another country seeking to practice temporarily in the state shall register with the board and pay the required fee. The board shall adopt rules prescribing the procedure to be followed in carrying out the registrations. Registrations under this section shall expire three months after issuance. “Firm” is as defined in subdivision 13(5) of this title.~~

~~(b) A foreign firm providing public accounting services in the state of Vermont shall be registered and obtain a firm registration number.~~

~~(c) An accountant qualified for the practice of public accountancy in a foreign country may:~~

~~(1) use a title granted by that country, together with any suitable translation into English of that title, and the name of that country;~~

~~(2) temporarily practice public accounting after registering with the board under section 74a of this title. [Repealed.]~~

* * *

§ 81. OWNERSHIP OF ACCOUNTANT'S WORKING PAPERS

* * *

(d) An accountant or accountancy firm shall have in place a plan for responsible disposition of client records in case of unexpected incapacity or firm dissolution.

* * *

* * * Dental Hygienists * * *

Sec. 10. 26 V.S.A. chapter 12 is amended to read:

CHAPTER 12. DENTISTS, DENTAL THERAPISTS,
DENTAL HYGIENISTS, AND DENTAL ASSISTANTS

* * *

Subchapter 2. Board of Dental Examiners

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§ 582. AUTHORITY OF THE BOARD

In addition to any other provisions of law, the ~~board~~ Board shall have the authority to:

* * *

(3) adopt rules pursuant to the Vermont Administrative Procedure Act as set forth in ~~3 V.S.A. chapter 25~~:

* * *

(H) setting guidelines for general supervision of dental hygienists ~~with no less than three years of experience by dentists with no less than three years of experience to~~, to be known as "public-health hygienists," who may perform tasks in ~~public or private schools or institutions~~ the settings set forth in section 624 of this chapter; and

* * *

Subchapter 4. Dental Hygienists

* * *

§ 624. PRACTICE

(a) A dental hygienist may perform duties for which the dental hygienist has been qualified by successful completion of the normal curriculum offered by programs of dental hygiene accredited by the American Dental Association or in continuing education courses approved by the Board. A dental hygienist

may perform tasks in the office of any licensed dentist consistent with the rules adopted by the Board.

(b) ~~In public or private schools or institutions, a dental~~ A public-health hygienist, who shall be a dental hygienist with no less fewer than three years of experience, may perform tasks under the general supervision of a licensed dentist with no less than three years of experience as prescribed in out-of-office settings, including residences, schools, nursing home and long-term care facilities, clinics, hospitals, medical facilities, community health centers licensed or approved by the Department of Health, Head Start programs, and any other facilities or programs deemed appropriate by the Department of Health in a manner consistent with guidelines adopted by the Board by rule.

* * *

* * * Nursing * * *

Sec. 11. 26 V.S.A. chapter 28 is amended to read:

CHAPTER 28. NURSING

Subchapter 1. General Provisions

* * *

§ 1574. POWERS AND DUTIES

(a) In addition to the powers granted by 3 V.S.A. § 129, the Board shall:

* * *

(3) Adopt rules setting standards for approval of medication nursing assistant and nursing education programs in Vermont, including all clinical facilities. The Board may require reimbursement for actual and necessary costs incurred for site surveys.

(4) ~~Adopt rules for medication nursing assistant education and competency evaluation programs and survey and approve those programs that meet the rules. [Repealed.]~~

* * *

Subchapter 2. Advanced Practice Registered Nurses

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§ 1613. TRANSITION TO PRACTICE

(a)(1) ~~Graduates~~ An APRN with fewer than 24 months and 2,400 hours of licensed active advanced nursing practice in an initial role and population focus or fewer than 12 months and 1,600 hours for any additional role and population focus shall have a formal agreement with a collaborating provider

as required by ~~board~~ Board rule.

(2) ~~APRNs~~ An APRN shall have and maintain signed and dated copies of all required collaborative provider agreements ~~as part of the practice guidelines.~~

(3) An APRN required to practice with a collaborative provider agreement may not engage in solo practice, except with regard to a role and population focus in which the APRN has met the requirements of this subsection.

(b) An APRN who satisfies the requirements to engage in solo practice pursuant to subsection (a) of this section shall notify the ~~board~~ Board that these requirements have been met.

* * *

* * * Optometrists * * *

Sec. 12. 26 V.S.A. chapter 30 is amended to read:

CHAPTER 30. OPTOMETRY

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§ 1703. DEFINITIONS

As used in this chapter:

* * *

(2) The “practice of optometry” means any one or combination of the following practices:

(A) ~~The examination of~~ Examining the human eyes and visual system for purposes of:

(i) diagnosing refractive and functional ability; or

(ii) diagnosing the presence of eye and adnexa disease or injury, treating the disease or injury with the appropriate pharmaceutical agents and procedures in accordance with this chapter, and making referrals to the appropriate health care provider when warranted.

(B) ~~The diagnosis and correction of~~ Diagnosing and correcting anomalies of the refractive and functional ability of the visual system and the enhancement of visual performance including, ~~but not limited to,~~ the following:

(i) ~~the prescribing and employment of~~ using ophthalmic lenses, prisms, autorefractor or other automatic testing devices, frames, ophthalmic aids, and prosthetic materials as consistent with the health of the eye;

and (ii) ~~the prescribing and employment of~~ employing contact lenses;

(iii) administering visual training, vision therapy, orthoptics, and pleoptics.

(C) Prescribing appropriate pharmaceutical agents for the diagnosis, management, and treatment of the eye and adnexa.

(D) Removing superficial foreign bodies from the eye and adnexa; epilating the eyelashes, including by electrolysis; and punctal dilation, lacrimal irrigation, and punctal plugs insertion.

(E) Managing the following types of glaucoma in patients who are 16 years of age or older:

(i) adult primary open angle glaucoma;

(ii) exfoliative glaucoma;

(iii) pigmentary glaucoma;

(iv) low tension glaucoma;

(v) inflammatory (uveitic) glaucoma; and

(vi) emergency treatment of angle closure glaucoma.

~~(3) “Disciplinary action” or “disciplinary cases” includes any action taken by a board against a licensee or applicant premised upon a finding of wrongdoing or unprofessional conduct by the licensee or applicant. It includes all sanctions of any kind, including obtaining injunctions, issuing warnings, reprimands, suspensions, or revocations of licenses, and other similar sanctions and ordering restitution. “Director” means the Director of the Office of Professional Regulation.~~

(4) “Financial interest” means being:

(A) a licensed practitioner of optometry; or

(B) a person who deals in goods and services ~~which~~ that are uniquely related to the practice of optometry; or

(C) a person who has invested anything of value in a business ~~which~~ that provides optometric services.

(5) “Contact lenses” means those lenses that are worn for cosmetic, therapeutic, or refractive purposes.

§ 1704. PENALTIES

A person who obtains a license by fraud or misrepresentation or who

practices or attempts to practice optometry or hold himself or herself out as being able to do so in this ~~state~~ State without first having obtained the license required by this chapter shall be subject to the penalties provided in 3 V.S.A. § 127(e).

Subchapter 2. State Board of Optometry ~~Board~~

§ 1707. QUALIFICATIONS; TERM OF OFFICE; REMOVAL

(a) ~~A state board of optometry~~ The State Board of Optometry is created ~~which shall be the continuation of and successor to the state board of examiners in optometry heretofore established by chapter 29 of this title.~~

(b) ~~The board~~ Board shall consist of five members, three of whom shall be residents of the ~~state,~~ State who have had at least five years' experience in the practice of optometry in the ~~state,~~ State and are in the active practice of optometry at the time of their appointment; and two members who shall be representatives of the public, who shall be residents of the ~~state~~ State for five years and who shall have no financial interest in the profession other than as a consumer or potential consumer of its services.

* * *

§ 1708. POWERS AND DUTIES

(a) ~~The board~~ Board shall:

(1) ~~Adopt rules under 3 V.S.A. chapter 25~~ the Vermont Administrative Procedure Act necessary for the performance of its duties, ensuring that at least the following are established by statute or rule:

(A) ~~A~~ a definition of the behavior for which a license is required;

(B) ~~Explanations~~ explanations of appeal and other significant rights given by law to licensees, applicants, and the public; ~~and~~

(C) standards for acceptance of continuing education, which may identify mandatory content specific to pharmacology, and management of adverse drug reactions.

(b) ~~The board may:~~

(1) ~~exercise authority granted under 3 V.S.A. chapter 5;~~

(2) ~~use the administrative services provided by the office of professional regulation under 3 V.S.A. chapter 5;~~

(3) ~~Receive legal assistance from the attorney general of the state and from the legal counsel for the director of the office of professional regulation.~~
[Repealed.]

(c) The ~~board~~ Board shall not limit the:

- (1) ~~limit the~~ ownership of optometric practices to licensed optometrists;
- (2) ~~limit the~~ number of offices or sites at which an optometrist may practice; or
- (3) ~~limit the~~ right of optometrists to practice in an association, partnership, corporation, or other lawful entity with anyone.

* * *

Subchapter 3. Examinations and Licenses

* * *

§ 1715. LICENSURE BY EXAMINATION

(a) The ~~board~~ Board may grant a license to an applicant who:

- (1) has attained the age of majority;
- (2) is a graduate of an optometric school or college accredited by a regional or professional accreditation organization approved by the ~~board~~ Board;
- (3) holds a current cardiopulmonary resuscitation certification from the American Red Cross, the Vermont Heart Association, or a comparable source recognized by the Director;
- (4) has successfully completed an examination approved by the ~~board~~ Board; and
- (4)(5) has paid the fee required by section 1718 of this title chapter.

(b) ~~A failed examination may be retaken once free of charge and each examination thereafter shall be subject to payment of a fee. [Repealed.]~~

* * *

§ 1716a. RENEWAL

Licenses shall be renewed every two years upon payment of the required fee, provided that the person applying for renewal completes at least ~~20~~ 40 hours of continuing education, approved by the ~~board~~ Board, during the preceding two-year period and holds a current cardiopulmonary resuscitation certification. ~~If the applicant has a special endorsement for the use of pharmaceutical agents as provided in section 1729 of this title, the applicant shall, during the preceding two-year period, complete at least 40 hours of continuing education, approved by the board, of which at least 20 hours shall be related to the use of therapeutic pharmaceutical agents. The board may specify particular areas of study which must be completed to satisfy the~~

~~requirements of this section. The board may, by rule, adopt continuing education requirements for those who renew their licenses after less than a full two-year period.~~

* * *

Subchapter 4. Unprofessional Conduct and Discipline

§ 1719. UNPROFESSIONAL CONDUCT

(a) Unprofessional conduct is the conduct prohibited by this section and by 3 V.S.A. § 129a, whether or not taken by a license holder committed by a licensee, an applicant, or a person who later becomes an applicant.

(b) Unprofessional conduct means:

(1) Conduct ~~which~~ that evidences moral unfitness to practice the occupation.

(2) Any of the following except when reasonably undertaken in an emergency situation in order to protect life, health, or property:

(A) Practicing or offering to practice beyond the scope permitted by law.

(B) Performing treatments or providing services ~~which~~ that a licensee is not qualified to perform or ~~which~~ that are beyond the scope of the licensee's education, training, capabilities, experience, or scope of practice.

(C) Performing occupational services ~~which~~ that have not been authorized by the consumer or his or her legal representative.

* * *

Subchapter 5. Diagnostic Pharmaceutical Agents

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§ 1727. EXPIRATION DATE

(a) An optometrist shall state the expiration date on the face of every prescription written by that optometrist for contact lenses. The expiration date shall be one year after the examination date unless a medical or refractive problem affecting vision requires an earlier expiration date.

(b) An optometrist ~~may~~ shall not refuse to give the buyer a copy of the buyer's prescription after the expiration date; however, the copy shall be clearly marked to indicate that it is an expired prescription.

Subchapter 6. Therapeutic Pharmaceutical Agents

§ 1728. USE OF THERAPEUTIC PHARMACEUTICAL AGENTS

~~(a) An optometrist licensed under this chapter who possesses the endorsement required under section 1729 of this title, may:~~

~~(1) use and prescribe appropriate pharmaceutical agents for the diagnosis, management, and treatment of the eye and adnexa.~~

~~(2) remove superficial foreign bodies from the eye and adnexa, perform epilation of the eyelashes including electrolysis, punctal dilation, and lacrimal irrigation, and insert punctal plugs.~~

~~(b) Nothing in this subchapter shall be construed to permit:~~

~~(1) the use of therapeutic ultrasound, the use of injections except for the appropriate emergency stabilization of a patient, or the performance of surgery. "Surgery" means any procedure in which human tissue is cut, penetrated, thermally or electrically cauterized except when performing electrolysis, or otherwise infiltrated by mechanical or laser means in a manner not specifically authorized by this act;~~

~~(2) the use of lasers for any procedure other than diagnostic testing; or~~

~~(3) a licensee to perform indocyanine green angiography, removal of benign skin lesions involving subcutaneous injections, sub-tenons injections, retrobulbar injections, intraocular injections, ketamine (IM) for an infant's examination under anesthesia, management of skin and conjunctival neoplasms, and botox injections.~~

(a)(1) A licensee who employs an oral therapeutic pharmaceutical agent that might prove to have significant systemic adverse reactions or systemic side effects shall, in a manner consistent with Vermont law, ascertain the risk of systemic side effects through either a case history or by communicating with the patient's primary care provider.

(2) The licensee shall also communicate with the patient's primary care provider, or with a physician skilled in diseases of the eye, when, in the professional judgment of the licensee, it is medically appropriate.

(3) Any communication shall be noted in the patient's permanent record. The methodology of communication shall be determined by the licensee.

(b)(1) If a glaucoma patient does not respond to up to three topically administered pharmaceutical agents within a reasonable time, the licensee shall refer the patient to a licensed ophthalmologist.

(2) A glaucoma patient shall not be treated by an optometrist with more than three topically administered agents at any given time.

(3) If an oral medication is required to obtain an adequate clinical

response in a glaucoma patient, the licensee shall consult with a licensed ophthalmologist as soon as clinically prudent following initiation of the oral medication.

(4) This subsection shall not require that the licensee transfer care of the patient to the consulting ophthalmologist, but does require that the patient be seen by the consulting ophthalmologist.

~~§ 1728a. PERMISSIBLE TREATMENTS; GLAUCOMA TYPES~~

~~(a) A licensee may treat the following types of glaucoma on patients who are 16 years of age or older:~~

- ~~(1) adult primary open angle glaucoma;~~
- ~~(2) exfoliative glaucoma;~~
- ~~(3) pigmentary glaucoma;~~
- ~~(4) low tension glaucoma;~~
- ~~(5) inflammatory (uveitic) glaucoma; and~~
- ~~(6) emergency treatment of angle closure glaucoma.~~

~~(b) This section shall not prohibit a licensee from administering appropriate emergency stabilization treatment to a patient. [Repealed.]~~

* * *

~~§ 1728c. USE OF ORAL THERAPEUTIC PHARMACEUTICAL AGENT;
COMMUNICATION WITH PRIMARY CARE PROVIDER~~

~~A licensee who employs an oral therapeutic pharmaceutical agent that might prove to have significant systemic adverse reactions or systemic side-effects shall, in a manner consistent with Vermont law, ascertain the risk of systemic side effects through either a case history or by communicating with the patient's primary care provider. The licensee shall also communicate with the patient's primary care provider, or with a physician skilled in diseases of the eye, when in the professional judgment of the licensee, it is medically appropriate. The communication shall be noted in the patient's permanent record. The methodology of communication shall be determined by the licensee. [Repealed.]~~

~~§ 1728d. DURATION OF GLAUCOMA TREATMENT WITHOUT
REFERRAL~~

~~(a) If a glaucoma patient does not respond to up to three topically administered pharmaceutical agents within a reasonable time, the licensee shall refer the patient to a licensed ophthalmologist. No glaucoma patient shall be treated by an optometrist with more than three topically administered agents at~~

any given time.

~~(b) If an oral medication is required to obtain an adequate clinical response, the licensee shall consult with a licensed ophthalmologist as soon as clinically prudent following initiation of the oral medication. This section shall not require that the licensee transfer care of the patient to the consulting ophthalmologist, but does require that the patient be seen by the consulting ophthalmologist. [Repealed.]~~

~~§ 1729. ENDORSEMENTS AND REQUIREMENTS~~

~~(a) Upon application, the board shall certify eligible licensees to use and prescribe therapeutic drugs and to perform those procedures authorized by subdivision 1728(a)(2) of this title, if the applicant meets the requirements of section 1715 of this chapter for licensure by examination or meets the requirements of section 1716 of this chapter for licensure by endorsement, and is authorized under the license of another jurisdiction to use therapeutic pharmaceutical agents.~~

~~(b) A licensee certified under this section shall affix current documentation of certification to the license in the manner provided by the board.~~

~~(c) A licensee who is certified to use therapeutic pharmaceutical agents shall demonstrate proof of current cardiopulmonary resuscitation certification as a condition of initial certification and of license renewal. Acceptable courses shall include:~~

~~(1) courses in external cardiopulmonary resuscitation which are approved by the Vermont Heart Association or the American Red Cross; and~~

~~(2) courses which include a review of diseases or conditions which might produce emergencies such as anaphylactic shock, diabetes, heart condition, or epilepsy.~~

~~(d) A licensee certified to use therapeutic pharmaceutical agents shall, as part of required continuing education, receive not less than 50 percent of his or her continuing education in the use of pharmaceuticals, including treating possible complications arising from their use, and the treatment of glaucoma. [Repealed.]~~

~~§ 1729a. PREREQUISITES TO TREATING GLAUCOMA~~

~~A licensee who is already certified to use therapeutic pharmaceutical agents and who graduated from a school of optometry prior to 2003 and is not certified in another jurisdiction having substantially similar prerequisites to treating glaucoma shall, in addition to being certified to use therapeutic pharmaceutical agents, provide to the board verification of successful completion of an 18-hour course and examination offered by the State~~

~~University of New York State College of Optometry or similar accredited institution. Successful completion shall include passing an examination substantially equivalent to the relevant portions on glaucoma and orals of the examination given to current graduates of optometry school and shall require the same passing grade. The course shall cover the diagnosis and treatment of glaucoma and the use of oral medications and shall be taught by both optometrists and ophthalmologists. In addition, the licensee shall collaborate with an optometrist who has been licensed to treat glaucoma for at least two years or an ophthalmologist regarding his or her current glaucoma patients for six months and at least five new glaucoma patients before treating glaucoma patients independently. These five new glaucoma patients shall be seen at least once by the collaborating glaucoma-licensed optometrist or ophthalmologist. [Repealed.]~~

Sec. 13. OFFICE OF PROFESSIONAL REGULATION; STUDY OF
OPTOMETRIC ADVANCED PROCEDURES

(a) The Office of Professional Regulation shall conduct a study to evaluate the safety and public health needs of enlarging the scope of practice of optometrists to include advanced procedures. In conducting this study, the Office shall consult with relevant stakeholders, including the Vermont Board of Optometry, the Vermont Optometric Association, the Vermont Board of Medical Practice, the Vermont Department of Health, and the Vermont Ophthalmological Society.

(b) The study shall evaluate, among other considerations, approaches to advanced procedures in jurisdictions outside Vermont, patient need for access to additional practitioners, effects on patient access to care, effects on patient safety, costs to the health care system, and the existing education and training for optometrists, including the degree to which it addresses training in advanced procedures. The Office shall inquire into the specific clinical training for both optometrists and ophthalmologists for specific procedures.

(c) On or before January 15, 2020, the Office shall report its findings, including any recommendations for legislative action, to the House Committees on Government Operations and on Health Care and to the Senate Committees on Government Operations and on Health and Welfare.

* * * Pharmacy * * *

Sec. 14. 26 V.S.A. chapter 36 is amended to read:

CHAPTER 36. PHARMACY

Subchapter 1. General Provisions

* * *

§ 2022. DEFINITIONS

As used in this chapter:

* * *

(7) “Drug outlet” means all pharmacies, wholesalers, manufacturers, and other entities that are engaged in the manufacture, dispensing, delivery, or distribution of prescription drugs.

* * *

(11)(A) “Manufacturing” means the production, preparation, propagation, conversion, or processing of a drug or device, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical or biological synthesis.

(B) “Manufacturing” includes the packaging or repackaging of a drug or device ~~or~~; the labeling or relabeling of the container of a drug or device for resale by a pharmacy, practitioner, or other person; and virtual manufacturing by an entity that sells its own prescription drug or device without physically possessing the product.

* * *

(19)(A) “Wholesale distributor” means any person who is engaged in wholesale distribution of prescription drugs, ~~but~~ including virtual distribution by an entity that sells a prescription drug or device without physically possessing the product.

(B) “Wholesale distributor” does not include any for-hire carrier or person hired solely to transport prescription drugs.

* * *

Subchapter 2. Board of Pharmacy

§ 2031. CREATION; APPOINTMENT; TERMS; ORGANIZATION

(a)(1) There is hereby created the Board of Pharmacy to enforce the provisions of this chapter.

(2) The Board shall consist of ~~seven~~ eight members, five of whom shall be pharmacists licensed under this chapter with five years of experience in the practice of pharmacy in this State. One member shall be a pharmacy technician registered under this chapter. Two members shall be members of the public having no financial interest in the practice of pharmacy.

(b) Members of the Board shall be appointed by the Governor pursuant to 3 V.S.A. §§ 129b and 2004.

§ 2032. POWERS; DUTIES; LIMITATIONS

(a) The Board shall adopt rules necessary for the performance of its duties, including:

- (1) scope of the practice of pharmacy;
- (2) qualifications for obtaining licensure;
- (3) explanations of appeal and other rights given to licensees, applicants, and the public; ~~and~~
- (4) rules regulating pharmacy technicians; and
- (5) provisions for the inspection of any regulated entity or commercial location where legend drugs are manufactured or kept.

* * *

(c) The Board of Pharmacy shall also have the following responsibilities in regard to medications, drugs, legend devices, and other materials used in this State in the diagnosis, mitigation, and treatment or prevention of injury, illness, and disease:

(1) ~~The the regulation of the sale at retail and the, compounding, administration, and dispensing of medications, drugs, legend devices, and other materials, including the right to seize any such drugs, legend devices, and other materials found to be detrimental to the public health and welfare by the Board pursuant to an appropriate hearing as required under the Administrative Procedure Act;~~

(2) ~~The the specifications of minimum professional and technical equipment, environment, supplies, and procedures for the compounding or dispensing of such medications, drugs, legend devices, and other materials within the practice of pharmacy;~~

(3) ~~The the control of the purity and quality of such medications, drugs, legend devices, and other materials within the practice of pharmacy; and~~

(4) ~~The the issuance of certificates of registration and licenses of drug outlets; and~~

(5) ~~The the development of criteria for a standardized tamper-resistant prescription pad that can be used by all health care providers who prescribe drugs. Such criteria shall be developed in consultation with pharmacists, hospitals, nursing homes, physicians and other prescribers, and other affected parties.~~

* * *

* * *

§ 2042b. ~~PHARMACY TECHNICIANS; NONDISCRETIONARY TASKS;
SUPERVISION~~

~~(a) Notwithstanding any other provision of law, a registered pharmacy technician may perform packaging or other nondiscretionary tasks only while assisting and under the supervision and control of a pharmacist.~~

~~(b) This section does not authorize a pharmacy technician to perform packaging or other nondiscretionary tasks without a pharmacist on duty, and without being under the supervision and control of a pharmacist.~~

~~(c) This section does not authorize a pharmacy technician to perform any act requiring the exercise of professional judgment by a pharmacist.~~

~~(d) The Board may adopt rules to specify tasks that a pharmacy technician may perform under the supervision and control of a pharmacist pursuant to subsection (a) of this section. A pharmacy or pharmacist that employs a pharmacy technician to perform tasks specified in subsection (a) shall do so in conformity with the rules adopted by the Board pursuant to this section.~~

~~(e) [Repealed.]~~

~~(f)(1) A pharmacist on duty shall be directly responsible for the conduct of a pharmacy technician.~~

~~(2) A pharmacist responsible for a pharmacy technician shall be on the premises at all times, or in the case of a remote pharmacy approved by the Board, immediately available by a functioning videoconference link.~~

~~(3) A pharmacist shall verify a prescription before medication is provided to the patient. [Repealed.]~~

* * *

Subchapter 5. Registration of Facilities

§ 2061. REGISTRATION AND LICENSURE

(a) All drug outlets shall biennially register with the Board of Pharmacy.

(b) Each drug outlet shall apply for a license in one or more of the following classifications:

- (1) Retail.
- (2) Institutional.
- (3) Manufacturer.
- (4) Wholesale distributor.

- (5) Investigative and research projects.
- (6) Compounding.
- (7) Outsourcing.
- (8) Home infusion.
- (9) Nuclear.
- (10) Third-party logistics provider.

* * *

Subchapter 6. Wholesale Distributors and Manufacturers

§ 2067. ~~WHOLESALE DISTRIBUTOR~~ DISTRIBUTORS AND
MANUFACTURERS; LICENSURE REQUIRED

(a) A person who is not licensed under this subchapter shall not engage in wholesale distribution or manufacturing in this State.

* * *

(c) The Board may require a separate license for each facility directly or indirectly owned or operated by the same business entity ~~within this State~~, or for a parent entity with divisions, subsidiaries, or affiliate companies ~~within this State~~ when operations are conducted at more than one location and there exists joint ownership and control among all the entities.

(d) An agent or employee of any licensed wholesale distributor or manufacturer shall not be required to obtain a license under this subchapter and may lawfully possess pharmaceutical drugs when that agent or employee is acting in the usual course of business or employment.

§ 2068. REQUIREMENTS; APPLICANTS; LICENSES

An applicant shall satisfy the ~~board~~ Board that it has, and licensees shall maintain, the following:

- (1) Acceptable storage and handling conditions plus facilities standards.
- (2) Minimum liability and other insurance as may be required under any applicable federal or state law.
- (3) A security system ~~which~~ that includes after hours, central alarm or comparable entry detection capability, restricted premises access, adequate outside perimeter lighting, comprehensive employment applicant screening, and safeguards against employee theft.
- (4) An electronic, manual, or any other reasonable system of records, describing ~~all wholesale distributor~~ activities governed by this subchapter for

the two-year period following disposition of each product, which shall be reasonably accessible, as defined by the ~~board~~ Board by rule, during any inspection authorized by the ~~board~~ Board.

(5) Officers, directors, managers, and other persons in charge of wholesale drug distribution, manufacture, storage, and handling, who shall at all times demonstrate and maintain their capability to conduct business according to sound financial practices as well as state and federal law.

* * *

(9) Operations in compliance with all federal requirements ~~applicable to wholesale drug distribution~~.

(10)(A) Compliance with standards and procedures ~~which~~ that the ~~board~~ Board shall adopt by rule concerning provisions for initial and periodic on-site inspections, criminal and financial background checks, ongoing monitoring, reciprocity for out-of-state ~~wholesale drug distributors~~ entities inspected by a third party organization recognized by the ~~board~~ Board or inspected and licensed by a ~~state~~ State licensing authority with legal standards for licensure that are comparable to the standards adopted by the ~~board~~ Board pursuant to this subdivision (10), protection of a ~~wholesale drug distributor's~~ proprietary information, and any other requirements consistent with the purposes of this subdivision (10).

(B) The ~~board~~ Board rules may recognize third party accreditation in satisfaction of some or all of the requirements of this subdivision (10).

* * *

§ 2076. INSPECTION POWERS; ACCESS TO WHOLESALE DISTRIBUTOR AND MANUFACTURER RECORDS

(a) A person authorized by the Board may enter, during normal business hours, all open premises purporting or appearing to be used by a wholesale distributor or manufacturer for purposes of inspection.

(b)(1) Wholesale distributors and manufacturers may keep records regarding purchase and sales transactions at a central location apart from the principal office of the wholesale distributor or the location at which the drugs were stored and from which they were shipped, provided that such records shall be made available for inspection within two working days of a request by the Board.

(2) Records may be kept in any form permissible under federal law applicable to prescription drugs record keeping.

* * *

Sec. 15. OFFICE OF PROFESSIONAL REGULATION; EVALUATION
OF PHARMACIST PRESCRIBING AUTHORITY

(a) The Office of Professional Regulation shall evaluate the costs and benefits of incorporating prescribing authority into the scope of practice of licensed pharmacists. This evaluation shall be conducted in consultation with relevant stakeholders and shall include consideration of:

- (1) approaches to clinical pharmacy in jurisdictions outside Vermont;
- (2) potential impacts on patient safety and on primary and preventive care delivered by other health care professionals;
- (3) effects on patient access to care; and
- (4) the appropriate extent, if any, of the prescribing authority.

(b) On or before January 15, 2020, the Office shall report its findings and any recommendations for legislative action to the House and Senate Committees on Government Operations, the House Committee on Health Care, and the Senate Committee on Health and Welfare.

* * * Real Estate Brokers and Salespersons * * *

Sec. 16. 26 V.S.A. chapter 41 is amended to read:

CHAPTER 41. REAL ESTATE BROKERS AND SALESPERSONS

Subchapter 1. General Provisions

* * *

§ 2213. PENALTIES

A person who shall violate any provision of this chapter shall be subject to the penalties provided in 3 V.S.A. § 127~~(e)~~.

* * *

Subchapter 3. Licenses

* * *

§ 2292. ELIGIBILITY

* * *

~~(b)(1)~~ A license as a real estate salesperson shall be granted to a person who satisfies all of the following:

- ~~(A)~~(1) has passed an examination as required by the Commission;
- ~~(B)~~(2) is at least 18 years of age;
- ~~(C)~~(3) has been employed by or become associated with a brokerage

firm and that firm's principal broker; and

~~(D)~~(4) has completed a course of instruction, approved by the Commission, of at least 40 hours.

~~(2)(A) An initial salesperson license shall expire 90 days from issuance.~~

~~(B) The license of a salesperson who has provided documentation to the Commission showing successful completion of eight hours of instruction addressing topics specified by the Commission relating to the salesperson's postlicensure practice of the profession shall be renewed without application or fee and remain valid until the end of the biennial licensing period.~~

~~(3) Has been employed by or become associated with a brokerage firm and that firm's principal broker.~~

~~(4) Has completed a course of instruction, approved by the Commission, of at least 40 hours.~~

* * *

§ 2293. RENEWAL OF LICENSE; EXPIRED LICENSE

(a) Licenses shall be renewed every two years without examination and on payment of the required fees, provided that the person applying for renewal completes at least 24 hours of instruction for brokers and 16 hours of instruction for salespersons, approved by the Commission, during the preceding two-year period. Four hours of this continuing education instruction shall address legislation and other topics specified by the Commission for each renewal period.

~~(b)(1) A broker or salesperson applying for reinstatement of a license that has expired shall be assessed both the renewal fee and late renewal penalty established by the Director of the Office of Professional Regulation and shall not be assessed renewal fees for the years during which the license was expired.~~

~~(2) Reinstatement shall not take place until the applicant completes the continuing education required for the previous renewal period.~~

~~(c)(1) If a broker or salesperson's license has expired for greater than five consecutive years, the broker or salesperson shall apply for reinstatement in accordance with the initial licensure requirements as set forth in section 2292 of this chapter, including a course of instruction and examination.~~

~~(2) The Commission may waive the reinstatement requirements based upon licensed practice in another state.~~

~~(d) The Commission may waive or postpone compliance with the~~

~~instructional requirements of this section in cases of extreme hardship on the part of the licensee. No licensee, however, may receive a postponement or waiver for two successive two-year periods of licensure. The Commission may accept fewer hours of continuing education instruction for renewal of a license on a prorated basis following an initial licensing period of less than two years.~~

~~(e) [Repealed.]~~

* * *

§ 2296. UNPROFESSIONAL CONDUCT

~~Unprofessional conduct means the following conduct and~~ In addition to the conduct set forth in 3 V.S.A. § 129a, the following conduct by those regulated under this chapter constitutes unprofessional conduct:

~~(1) makes a material misstatement in the application for his or her license;~~

~~(2) uses dishonest or misleading advertising;~~

~~(3) demonstrates incompetency to act as a real estate broker or salesperson;~~

~~(4) is found by the Commission to be guilty of fraud or fraudulent practices; or is convicted for violating this chapter; or is convicted of forgery, embezzlement, obtaining money under false pretenses, or conspiring to defraud;~~

~~(5) commingles commingling money or other property to which the licensee's clients or other persons are entitled with the licensee's own, except to the extent nominal sums of the licensee's funds may be required to maintain an open trust account;~~

~~(6)~~(2) fails failing to inform clients, establish trust and escrow accounts, maintain records, and otherwise act in accordance with the provisions of section 2214 of this chapter with respect to all monies received by the licensee as a real estate broker, or as escrow agent, or as the temporary custodian of the funds of others, in a real estate transaction;

~~(7)~~(3) fails failing promptly to segregate any properties received that are to be held for the benefit of others;

~~(8) is found by the Commission to have engaged in any act or conduct, whether of the same or different character as that described in this section, that contributes to or demonstrates incompetency or dishonest fraudulent dealings;~~

~~(9)~~(4) fails failing to fully disclose to a buyer all material facts within the licensee's knowledge concerning the property being sold;

(10)(5) fails failing to fully disclose to a buyer the existence of an agency relationship between the licensee and the seller.

* * *

* * * Opticians * * *

Sec. 17. 26 V.S.A. chapter 47 is amended to read:

CHAPTER 47. OPTICIANS

* * *

Subchapter 2. Administration

§ 2661. POWERS AND DUTIES OF THE DIRECTOR; ~~DUTIES~~

(a) The ~~director~~ Director shall:

- (1) provide general information to applicants for licensure as opticians;
- (2) explain appeal procedures to opticians and applicants and complaint procedures to the public;
- (3) administer fees established by law;
- (4) receive applications for licensure, issue licenses, to applicants qualified under this chapter, deny or renew licenses and issue, revoke, suspend, condition, and reinstate licenses as ordered by an administrative law officer;
- (5) refer ~~complaints and~~ disciplinary matters to for adjudication by an administrative law officer;
- (6) conduct or specify examinations and pass upon the qualifications of applicants for reciprocal registration;
- (7) conduct hearings as necessary for the issuance, renewal, or discipline of a license; and
- (8) establish by rule standards of education required of applicants, as well as minimum standards for any school presenting a course for present or future opticians.

(b) The ~~director~~ Director may, after consultation with the advisor appointees, adopt rules necessary to perform the director's duties under this chapter, including rules governing apprenticeship and continuing education. Rules adopted under this section shall not prohibit lawful advertising, the display of ophthalmic materials or merchandise, limit the place or location where opticians may practice, nor be designed to limit the number of opticians in the State.

* * *

§ 2665. ~~POWERS AND DUTIES OF THE DIRECTOR~~

~~(a) The Director shall:~~

~~(1) adopt only those rules necessary for the full and efficient performance of its duties;~~

~~(2) conduct examinations and pass upon the qualifications of applicants for reciprocal registration;~~

~~(3) establish standards of education required of applicants for licensing and establish, by appropriate rules, the minimum standards for any school presenting a course for present or future opticians;~~

~~(4) conduct any necessary hearings in connection with the issuance, renewal, suspension, or revocation of a license;~~

~~(5) [Repealed.]~~

~~(6) adopt rules establishing continuing education requirements and approve continuing education programs to assist a licensee in meeting these requirements.~~

~~(b) The Director shall not:~~

~~(1) adopt any rules prohibiting lawful advertising, the display of ophthalmic materials or merchandise, or limiting the place or location where opticians may practice; or~~

~~(2) adopt any rules specifically designed to limit the number of opticians in this State. [Repealed.]~~

* * *

Subchapter 3. Licenses

§ 2671. APPLICATIONS

~~Any person who desires to practice as an optician be licensed under this chapter shall file a written submit an application for a license and the application as specified by the Director, accompanied by payment of the required fee with the office on forms provided by the office. An applicant shall submit satisfactory proof that he or she meets the qualifications under section 2672 of this title chapter.~~

§ 2672. QUALIFICATIONS

~~No A person may shall not be examined or licensed under this chapter, except as otherwise provided in this chapter, unless the applicant has attained the age of majority he or she has obtained a high school education or its equivalent and possesses the following qualifications:~~

(1) Education. Has completed:

(A) Has obtained a high school education or its equivalent and has completed at least a two-year course of study in a school of ophthalmic dispensing approved by the board Director or a school which that is a candidate for accreditation by an accreditation agency approved by the United States Department of Education and by the director Director; or

(2)(B) Has completed three at least two years of practical training and experience, approved by the director Director, under the supervision of a licensed optician, ophthalmologist, or optometrist; or

(C) the National Academy of Opticianry Ophthalmic Career Progression Program, including at least one year of practical training and experience, approved by the Director, under the supervision of a licensed optician, ophthalmologist, or optometrist; and

(2) Examination. Has passed an examination recognized by the Director that shall include assessment of competency in ophthalmic materials; laboratory, practical, and physiological optics; prescription interpretation; dispensing preparation; adjustment of lenses, spectacles, eyeglasses, prisms, tinted lenses, and appurtenances; the use of lensometers or equivalent instruments; adjusting instruments; and pupillary and facial measurements.

§ 2673. EXAMINATION; LICENSES

(a) Examinations for licenses shall be conducted at least once each year and shall be devised in form and substance to evaluate fairly the applicant's qualifications to practice as a licensed optician. The examination shall include, but not be limited to, ophthalmic materials, laboratory, practical and physiological optics, prescription interpretation, dispensing preparation, adjustment of lenses, spectacles, eyeglasses, prisms, tinted lenses, and appurtenances, the use of lensometers or equivalent instruments, adjusting instruments, and pupillary and facial measurements.

(b) Any applicant passing the examination and meeting the requirements established by the director shall be issued a license under this chapter. [Repealed.]

* * *

* * * Radiology * * *

Sec. 18. 26 V.S.A. chapter 51 is amended to read:

CHAPTER 51. RADIOLOGY

Subchapter 1. General Provisions

§ 2801. DEFINITIONS

As used in this chapter:

(1) ~~“Board”~~ “Director” means the ~~board of radiologic technology~~ Director of the Office of Professional Regulation.

(2) “Practice of radiologic technology” means the practice of:

- (A) radiography; ~~or~~
- (B) nuclear medicine technology; or
- (C) radiation therapy.

(3) “Practice of radiography” means the direct application of ionizing radiation to human beings.

(4) “Practice of nuclear medicine technology” means the act of giving a radioactive substance to a human being or the act of performing associated imaging procedures, or both.

(5) “Practice of radiation therapy” means the direct application of ionizing radiation to human beings for therapeutic purposes or the act of performing associated imaging procedures, or both.

(6) “Licensed practitioner” means a person licensed under this title to practice medicine, osteopathy, advanced practice registered nursing, dentistry, podiatry, naturopathic medicine, or chiropractic.

(7) “Financial interest” means being:

- (A) a licensed practitioner of radiologic technology; ~~or~~
- (B) a person who deals in goods and services ~~which~~ that are uniquely related to the practice of radiologic technology; or
- (C) a person who has invested anything of value in a business ~~which~~ that provides radiologic technology services.

(8) “Unauthorized practice” means conduct prohibited by section 2802 of this title ~~chapter~~ and not exempted by section 2803 of this title ~~chapter~~.

(9) “Direct ~~personal~~ supervision” means that the person being supervised remains in the physical presence of the supervisor at all times.

(10) “General supervision” means that the supervisor is readily available for consultation or intervention on the premises where radiologic technology services are being provided.

(11) “ARRT” means the American Registry of Radiologic Technologists.

(12) “NMTCB” means the Nuclear Medicine Technologist Certification Board.

(13) “Office” means the Office of Professional Regulation.

§ 2802. PROHIBITIONS

(a) [Repealed.]

(b) ~~No~~ A person shall not practice radiologic technology unless he or she is licensed in accordance with the provisions of this chapter.

(c) ~~No~~ A person shall not practice radiography without a license for radiography ~~from the board~~ unless exempt under section 2803 of this ~~title~~ chapter.

(d) [Repealed.]

(e) ~~No~~ A person shall not practice nuclear medicine technology without a license for that purpose ~~from the board~~ unless exempt under section 2803 of this ~~title~~ chapter.

(f) ~~No~~ A person shall not practice radiation therapy technology without a license for that purpose ~~from the board~~ unless exempt under section 2803 of this ~~title~~ chapter.

§ 2803. EXEMPTIONS

The prohibitions in section 2802 of this chapter shall not apply to dentists licensed under chapter 12 of this title and actions within their scope of practice nor to:

(1) Licensed practitioners acting within the scope of practice for their licensed field, provided that their practice acts and rules adopted thereunder ~~make provisions for~~ have been expressly found by the Director, in consultation with advisors appointed under this chapter, to match or surpass the training in radiation safety and proper radiation practices determined in consultation with the Board required by this chapter and rules adopted under this chapter.

* * *

(5) Any of the following when operating dental radiographic equipment to conduct intraoral radiographic examinations under the general supervision of a licensed practitioner; and any of the following when operating dental radiographic equipment to conduct specialized radiographic examinations, including tomographic, cephalometric, or temporomandibular joint examinations, if the person has completed a course in radiography approved by the Board of Dental Examiners and practices under the general supervision of a licensed practitioner:

* * *

(D) a student of dental therapy, dental hygiene, or dental assisting as part of the training program when ~~directly supervised by~~ under the direct supervision of a licensed dentist, licensed dental therapist, licensed dental hygienist, or registered dental assistant.

* * *

(7) Researchers operating bone densitometry equipment for body composition upon successful completion of courses on body composition and radiation safety approved by the ~~Board~~ Director. The ~~Board~~ Director shall not require this coursework to exceed eight hours. The ~~Board~~ Director may consider other exemptions from licensure for bona fide research projects subject to course and examination requirements as deemed necessary for public protection.

§ 2804. COMPETENCY REQUIREMENT OF CERTAIN LICENSED PRACTITIONERS

(a) Unless the requirements of subdivision 2803(1) of this chapter have been satisfied, a ~~physician, as defined in chapter 23 of this title; podiatrist, as defined in chapter 7 of this title; chiropractic physician, as defined in chapter 10 of this title; osteopathic physician, as defined in chapter 33 of this title; or naturopathic physician, as defined in chapter 81 of this title,~~ licensed practitioner shall not apply ionizing radiation to human beings without first having satisfied the ~~Board~~ Director of his or her competency to do so.

(b) The ~~Board~~ Director shall:

(1) consult with the appropriate licensing boards concerning suitable performance standards; and

(2) by rule, provide for periodic recertification of competency.

(c) A person subject to the provisions of this section shall be subject to the fees established under subdivisions 2814(4) and (5) of this chapter.

(d) This section does not apply to radiologists who are certified or eligible for certification by the American Board of Radiology, nuclear cardiologists who are certified or eligible for certification by the Certification Board of Nuclear Cardiology, or interventional cardiologists and electrophysiologists who are certified or eligible for certification by the American Board of Internal Medicine.

§ 2805. PENALTY AND ENFORCEMENT

A person found guilty of violating section 2802 or 2804 of this title ~~chapter~~ shall be subject to the penalties provided in 3 V.S.A. § 127(e).

Subchapter 2. ~~Board of Radiologic Technology Administration~~§ 2811. BOARD REGULATION OF RADIOLOGIC TECHNOLOGY;
DIRECTOR; ADVISOR APPOINTEES

~~(a)(1) A board of radiologic technology is created, consisting of six members. The board shall be attached to the office of professional regulation. The Director shall administer the provisions of this chapter.~~

(2)(A) The Secretary of State shall appoint six persons of suitable qualifications in accordance with this section to advise the Director in matters concerning radiologic technology, radiologic safety, and the optimal administration of this chapter.

(B) The Secretary shall appoint the advisors for five-year staggered terms. Four of the initial appointments shall be for four-, three-, two-, and one-year terms.

(3) The Director shall consult the appointed advisors prior to exercising interpretive discretion, adopting or amending rules, and determining any substantial regulatory question presented in the course of administering this chapter.

~~(b) One member of the board advisor shall be a member of the public who has no financial interest in radiologic technology other than as a consumer or possible consumer of its services. The public member shall have no financial interest personally or through a spouse.~~

~~(c) One member of the board advisor shall be a radiologist certified by the American Board of Radiology.~~

~~(d) Three members of the board advisors shall be licensed under this chapter, one representing each of the three following primary modalities: radiography; nuclear medicine technology; and radiation therapy.~~

~~(e) One member of the board advisor shall be a representative from the radiological health program of the Vermont department of health Department of Health.~~

~~(f) Board members shall be appointed by the governor. [Repealed.]~~

§ 2812. DIRECTOR; POWERS AND DUTIES

(a) The Board Director shall adopt rules necessary for the performance effective administration of its duties this chapter, including:

(1) a definition of the practice of radiologic technology, interpreting section 2801 of this title chapter;

(2) qualifications for obtaining licensure, interpreting sections 2821a

and 2821b of this chapter;

(3) explanations of appeal and other significant rights given to applicants and the public;

(4) procedures for disciplinary and reinstatement cases;

(5) [Repealed.]

(6) procedures for mandatory reporting of unsafe radiologic conditions or practices;

(7) procedures for continued competency evaluation;

(8) procedures for radiation safety;

(9) procedures for competency standards for license applications and renewals.

(b) The ~~Board~~ Director shall:

(1) [Repealed.]

(2) ~~use the administrative and legal services provided by the Office of Professional Regulation under 3 V.S.A. chapter 5; [Repealed.]~~

(3) investigate suspected unprofessional conduct;

(4) periodically determine whether a sufficient supply of good quality radiologic technology services is available in Vermont at a competitive and reasonable price and take suitable action, within the scope of ~~its~~ the Office's powers, to solve or bring public and professional attention to any problem that it finds in this area; and

(5) as a condition of renewal require that a licensee establish that he or she has completed a minimum of 24 hours of continuing education as ~~approved by the Board,~~ the specific requirements of which may be specified by rule.

(c) The ~~Board~~ Director may:

(1) Refer cases of apparent improper radiologic technology practice to any occupational board with authority over the person concerned.

(2) Investigate suspected cases of unauthorized practice of radiologic technology, and refer any such case to the Office's State prosecuting attorney, the Attorney General, or a State's Attorney for possible prosecution and injunctive relief.

* * *

(8)(A) Conduct a competency evaluation where radiographic services

are performed by licensees and licensed practitioners required to demonstrate competency under section 2804 of this title chapter to ensure that optimum radiologic technology practices are used to minimize patient and occupational radiation dose. ~~The fee required under section 2814 of this title shall not be assessed more than once in any two-year period against any licensed practitioner evaluated under this subdivision.~~

~~(B) The Director of the Office of Professional Regulation may contract with the Department of Health or others to perform evaluations under this subsection subdivision (8).~~

~~§ 2813. BOARD PROCEDURES~~

~~(a) Annually, the board shall meet to elect a chairperson and a secretary.~~

~~(b) Meetings may be called by the chairperson and shall be called upon the request of any other two members.~~

~~(c) Meetings shall be warned and conducted in accordance with 1 V.S.A. chapter 5.~~

~~(d) A majority of the members of the board shall be a quorum for transacting business.~~

~~(e) All action shall be taken upon a majority vote of the members present and voting, unless otherwise provided in 1 V.S.A. chapter 5.~~

~~(f) The provisions of the Vermont Administrative Procedure Act relating to contested cases shall apply to proceedings under this chapter.~~

~~(g) Fees for the service of process and attendance before the board shall be the same as the fees paid sheriffs and witnesses in superior court. [Repealed.]~~

* * *

Subchapter 3. Licensing

* * *

§ 2821a. LICENSE FOR PRIMARY MODALITIES; COMMON REQUIREMENTS

The ~~board~~ Director shall recognize and follow the ARRT and the NMTCB primary certification process. The ~~board~~ Director shall issue a license to practice in one of the following three primary modalities to any person who in addition to the other requirements of this section, has reached the age of majority and has completed preliminary education equivalent to at least four years of high school:

(1) Radiography. The ~~board~~ Director shall issue a radiography license to any person who, in addition to meeting the general requirements of this

section:

* * *

(2) Nuclear medicine technology. The ~~board~~ Director shall issue a nuclear medicine technology license to any person who, in addition to meeting the general requirements of this section:

* * *

(3) Radiation therapy. The ~~board~~ Director shall issue a radiation therapy license to any person who, in addition to meeting the general requirements of this section:

* * *

§ 2821b. LICENSE FOR POSTPRIMARY MODALITIES

(a) ~~The Board recognizes and follows~~ Director shall recognize and follow the ARRT and NMTCB postprimary certification process ~~for in~~ the following postprimary practice categories: mammography, computed tomography (CT), cardiac-interventional radiography, vascular-interventional radiography, and positron emission tomography (PET).

* * *

§ 2822. ~~PROCEDURE FOR DENIAL OF LICENSE~~

~~When the board intends to deny an application for license, it shall send the applicant written notice of its decision by certified mail. The notice shall include a statement of the reasons for the action. Within 30 days of the date that an applicant receives such notice, the applicant may file a petition with the board for review of its preliminary decision. At the hearing, the burden shall be on the applicant to show that a license should be issued. After the hearing, the board shall affirm or reverse its preliminary denial. [Repealed.]~~

§ 2823. ~~RENEWAL AND PROCEDURE FOR NONRENEWAL~~

~~(a) Each radiographer, nuclear medicine technologist, and radiation therapist licensed to practice by the board shall apply biennially for the renewal of a license. One month prior to the renewal date, the office of professional regulation shall send to each of those licensees a license renewal application form and a notice of the date on which the existing license will expire. The licensee shall file the application for license renewal and pay a renewal fee. In order to be eligible for renewal, an applicant shall document completion of no fewer than 24 hours of board-approved continuing education. Required accumulation of continuing education hours shall begin on the first day of the first full biennial licensing period following initial licensure.~~

~~(b) A person who practices radiography, nuclear medicine technology, or radiation therapy and who fails to renew a license or registration or fails to pay the fees required by this chapter shall be an illegal practitioner and shall forfeit the right to practice until reinstated by the board.~~

~~(c) The board shall adopt rules setting forth qualifications for reinstating lapsed licenses. [Repealed.]~~

* * *

§ 2825a. LICENSURE BY ENDORSEMENT

The board Director may grant a license to an applicant who possesses a license in good standing in another state and possesses the applicable ARRT or NMTCB primary and postprimary certifications as set forth in sections 2821a and 2821b of this subchapter, respectively.

Subchapter 4. Discipline [Repealed.]

§ 2831. UNPROFESSIONAL CONDUCT

~~(a) Unprofessional conduct is the conduct prohibited by this section and by 3 V.S.A. § 129a, whether or not taken by a license holder.~~

~~(b) Conduct by a radiologic technologist which evidences moral unfitness to practice the profession constitutes unprofessional conduct. When that conduct is by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license.~~

~~(c) Unprofessional conduct includes the following actions by a licensee:~~

~~(1) practicing or offering to practice beyond the scope permitted by law;~~

~~(2) accepting and performing responsibilities which the licensee knows or has reason to know that he or she is not competent to perform;~~

~~(3) making any material misrepresentation in the practice of the profession, whether by commission or omission;~~

~~(4) agreeing with any other person or organization, or subscribing to any code of ethics or organizational bylaws, when the intent or primary effect of that agreement, code, or bylaw is to restrict or limit the flow of information concerning alleged or suspected unprofessional conduct to the board. [Repealed.]~~

§ 2832. DISCIPLINE OF LICENSEES

~~(a) The board shall accept oral and written complaints from any member of the public, any licensee, any state or federal agency, or the attorney general. The board may initiate disciplinary action in any complaint against a licensee and may act without having received a complaint.~~

~~(b) The burden of proof shall be on the state to show by a preponderance of the evidence that the licensee has engaged in unprofessional conduct.~~

~~(c) After hearing and upon a finding of unprofessional conduct, the board may:~~

~~(1) revoke a license;~~

~~(2) suspend a license; or~~

~~(3) issue a warning to a licensee.~~

~~(d) Before or after hearing, the board may approve a negotiated agreement between the parties when it is in the best interest of the public health, safety, or welfare to do so. Such an agreement may include, without limitation, any of the following conditions or restrictions which may be in addition to or in lieu of suspension:~~

~~(1) a requirement that a licensee submit to care or counseling;~~

~~(2) a restriction that a licensee practice only under supervision of a named person or a person with specified credentials;~~

~~(3) a requirement that a licensee participate in continuing education in order to overcome specified practical deficiencies;~~

~~(4) a requirement that the scope of practice permitted be restricted to a specified extent. Such an agreement may be modified by the parties after obtaining the approval of the board.~~

~~(e) An interested party may petition the board for modification of the terms of an order under this section.~~

~~(f) Where a license has been revoked, the board may reinstate the license on terms and conditions it deems proper. [Repealed.]~~

* * *

Sec. 19. TRANSITIONAL PROVISION; RADIOLOGIC TECHNOLOGY RULES

On the effective date of Sec. 18 of this act (amending 26 V.S.A. chapter 51 (radiology)), the rules of the Board of Radiologic Technology shall constitute the rules of the Director of the Office of Professional Regulation for the practice of radiologic technology.

* * * Alcohol and Drug Abuse Counselors * * *

Sec. 20. 26 V.S.A. § 3231 is amended to read:

§ 3231. DEFINITIONS

As used in this chapter:

* * *

(5) “Practice of alcohol and drug abuse counseling” means the application of methods, including psychotherapy, that assist an individual or group to develop an understanding of alcohol and drug abuse dependency problems or process disorders, and to define goals and plan actions reflecting the individual’s or group’s interests, abilities, and needs as affected by alcohol and drug abuse dependency problems and comorbid conditions.

* * *

* * * Real Estate Appraisers * * *

Sec. 21. 26 V.S.A. chapter 69 is amended to read:

CHAPTER 69. REAL ESTATE APPRAISERS

Subchapter 1. General Provisions

§ 3311. DEFINITIONS

As used in this chapter:

* * *

(7) ~~“Board”~~ “Director” means the ~~Board of Real Estate Appraisers established under this chapter~~ Director of the Office of Professional Regulation.

(8)(A) “Disciplinary action” means any action ~~taken by the Board~~ any regulatory or certifying authority against a licensed real estate appraiser or applicant premised ~~on~~ upon a finding that the person has engaged in unprofessional conduct.

(B)(i) The term includes all sanctions of any kind, including obtaining injunctions, refusing to grant or renew a license, suspending, revoking, or restricting a license, and issuing warnings.

(ii) The term does not include monetary civil penalties imposed by a hearing officer in relation to an express finding under 3 V.S.A. § 129(a)(3) that the subject matter does not constitute unprofessional conduct.

(9) “Office” means the Office of Professional Regulation.

§ 3312. PROHIBITIONS; PENALTY; EXEMPTION

(a) Unless licensed in accordance with the provisions of this chapter, ~~no~~ a person ~~may~~ shall not:

(1) ~~Perform~~ perform an appraisal in a federally related transaction when

a licensed or certified appraiser is required by the Act; or

(2) ~~Use~~ use in connection with his or her name any letters, words, or insignia indicating that he or she is a state State certified or licensed real estate appraiser.

(b) An individual who violates a provision of subsection (a) of this section shall be subject to the penalties provided in 3 V.S.A. § 127(e).

(c) A registered appraisal management company shall not be required to be licensed in order to acquire and provide finished appraisals to third parties.

Subchapter 2. Administration

§ 3313. BOARD REGULATION OF REAL ESTATE APPRAISERS; DIRECTOR; ADVISOR APPOINTEES

~~(a)(1) A board of real estate appraisers is established. The board shall consist of six members appointed by the governor pursuant to 3 V.S.A. §§ 129b and 2004~~ The Director shall administer the provisions of this chapter.

(2)(A) The Secretary of State shall appoint six persons of suitable qualifications in accordance with this section to advise the Director in matters concerning real estate appraisal.

(B) The Secretary shall appoint the advisors for five-year staggered terms. Four of the initial appointments shall be for four-, three-, two-, and one-year terms.

(3) The Director shall consult the appointed advisors prior to exercising interpretive discretion, adopting or amending rules, and determining any substantial regulatory question presented in the course of administering this chapter.

(b) Three members advisors shall be real estate appraisers licensed under this chapter who have been actively engaged in the full-time practice of real estate appraising for five years preceding appointment and have been practicing in Vermont for the two-year period immediately preceding appointment.

(c) Two members advisors shall be public members who shall have no direct financial interest personally or through a spouse, parent, child, brother, or sister in real estate appraising.

(d) One member advisor shall be a public member actively engaged in the business of banking, including lending for the purpose of buying real property, or shall be a person who is a consumer of appraisal services in the regular course of his or her business.

§ 3314. ~~BOARD~~ DIRECTOR; POWERS AND DUTIES

(a) The ~~Board~~ Director shall administer the provisions of this chapter in a manner that conforms in all respects with the requirements of the Act.

(b) In addition to ~~it's~~ the Director's other powers and duties under this chapter, the ~~Board~~ Director shall:

(1) Receive and review applications.

(2) Collect the registry fee as required by the Act and transmit that fee to the ASC. The registry fee shall be in addition to State licensing and registration fees.

(3) Annually publish a roster of all licensees and transmit the roster to the ASC as required by the Act.

(4) Register appraisal management companies.

(5) ~~The Board may make~~ Make inquiries ~~it he or she~~ deems necessary into the character, integrity, and reputation of the applicant.

(6) Perform other functions and duties as may be necessary to carry out the provisions of this chapter and to comply with the requirements of the Act, including by adopting rules defining and regulating appraisal management companies in a manner consistent with the Act.

§ 3315. RULES

(a) The ~~Board~~ Director may adopt rules necessary to implement the provisions of this chapter.

(b) The ~~Board~~ Director shall adopt rules relating to procedures for processing applications, issuing licenses, registering trainees, inspecting records, and instituting and conducting disciplinary proceedings.

Subchapter 3. Licenses, Certifications, and Registrations

§ 3316. LICENSING AND REGISTRATION FEES

* * *

§ 3317. APPLICATION

An individual who desires to be licensed under this chapter shall ~~apply to submit an application as specified by the board in writing on a form furnished by the board.~~ The application shall be Director, accompanied by payment of the required fee.

§ 3318. EXAMINATION

The ~~Board~~ Director shall examine applicants ~~for~~ using an AQB-approved

qualifying examination ~~for~~ applicable to the credential sought by the applicant.

§ 3319. TEMPORARY PRACTICE

The ~~board~~ Director shall issue a temporary license to an individual, after filing of an application and fee, who is a certified or licensed real estate appraiser in another jurisdiction if all of the following apply:

- (1) ~~The~~ the property to be appraised is part of a federally related transaction for which a licensed or certified appraiser is required by the Act;₂
- (2) ~~The~~ the applicant's business is of a temporary nature;₂ and
- (3) ~~The~~ the applicant registers with the ~~board~~ Office.

§ 3319a. APPRAISER TRAINEE REGISTRATION

(a)(1)(A) A person who has completed a course of instruction approved by the AQB may work as a certified residential or certified general appraiser trainee provided the person is registered with the ~~Board~~ Office.

(B) An appraiser trainee shall work under the direct supervision of an appraiser who holds either a certified residential or a certified general license in good standing and has held the certified residential or certified general license for at least the minimum number of years required by the AQB.

(2)(A) An appraiser trainee may perform activities within the scope of practice of the license sought, provided that the supervising appraiser reviews and signs all resulting appraisals.

(B) The supervising appraiser shall be professionally responsible for such activities performed by the trainee.

(3) As used in this ~~section~~ subsection, "good standing" means that the appraiser supervisor holds a current, unrestricted license.

(b) [Repealed.]

(c) The ~~Board~~ Director may, ~~in its discretion~~, give credit for training hours, not exceeding 10 percent of the total hourly experience requirement, for hours worked or training given that does not include or is unrelated to a site inspection.

(d) Appraiser trainees registered with the Board as of July 1, 2013 and who continue on to satisfy the requirements specified by the AQB may become State licensed appraisers, notwithstanding the elimination of that license category.

§ 3320. LICENSURE BY RECIPROCITY

The ~~Board~~ Director shall waive all licensing requirements for an appraiser

applicant holding a valid certification from another state if:

(1) the appraiser licensing and certification program of the other state is in compliance with the provisions of the Act; and

(2) the appraiser applicant holds the valid certification from a state whose requirements for certification or licensing meet or exceed the licensure standards established by this chapter.

* * *

§ 3321. RENEWALS

* * *

(c) The ~~Board~~ Director may reactivate the license of an individual whose license has lapsed for more than 30 days upon payment of the renewal fee, the reactivation fee, and the late renewal penalty, provided the individual has satisfied all requirements of AQB for reactivation.

(d) The ~~Board~~ Director may require, by rule, as a condition of reactivation, that an applicant undergo review of one or more aspects of the applicant's professional work in the practice of real estate appraising, provided that the manner and performance results of the review be specified by the ~~Board~~ Director. Such a review requirement shall:

* * *

§ 3322. USE OF LICENSE NUMBER; CONSUMER FEE DISCLOSURE

(a)(1) Each licensee or registrant shall be assigned a license or registration number ~~which~~ that shall be used in a report, a contract, engagement letter, or other instrument used by the licensee or registrant in connection with the licensee's or registrant's activities under this chapter. The license number shall be placed adjacent to or immediately below the title the licensee is entitled to use under this chapter.

(2) ~~The Each~~ licensed appraiser shall ensure that the registration number and the appraiser's fee for appraisal services shall appear adjacent to or immediately below the appraisal management company's registered name on documents supplied to clients or customers in this ~~state~~ State.

(b) ~~The Each~~ licensed appraiser shall include within the body of the appraisal report the amount of the appraiser's fee for appraisal services.

§ 3323. UNPROFESSIONAL CONDUCT

(a) The following conduct by a licensee and the conduct set forth in 3 V.S.A. § 129a constitute unprofessional conduct. When that conduct is by an applicant or a person who later becomes an applicant, it may constitute

grounds for denial of a license:

* * *

(8) Violating any term or condition of a license restricted by the board Office.

(9) Failing to comply with practice standards adopted by the board Director.

* * *

~~(d) After hearing, and upon a finding of unprofessional conduct, the board may take disciplinary action against a licensee, applicant, or registrant. Without limitation, disciplinary action may include any of the following:~~

~~(1) suspending or conditioning a license or registration;~~

~~(2) requiring a licensee to submit to care or counseling;~~

~~(3) requiring that a licensee practice only under supervision of a named person or a person with specified credentials;~~

~~(4) requiring a licensee to participate in continuing education in order to overcome specified practical deficiencies;~~

~~(5) limiting the scope of the licensee's practice. [Repealed.]~~

(e) Appeals from ~~decisions of the board~~ disciplinary orders and final license denials shall be governed by the provisions of 3 V.S.A. § 130a.

§ 3324. RECORD RETENTION

(a) A licensee or registrant shall retain all records related to an appraisal, review, or consulting assignment for no less fewer than five years after preparation.

(b) A licensee or registrant shall retain records under this section that relate to a matter in litigation for two years after the litigation concludes or in conformance with the "Uniform Standards of Professional Appraisal Practice," as promulgated by the Appraisal Standards Board of the Appraisal Foundation, whichever period is longer.

(c) ~~With~~ Upon reasonable notice, a licensee or registrant shall ~~produce~~ provide to the Director for inspection and copying any records governed by this section ~~for inspection and copying by the board or its authorized agent.~~

§ 3325. REPORTING

An appraiser who reports to the ~~board~~ Director appraisal work ~~being performed which~~ that does not comply with the provisions of this chapter shall not be considered to have violated the ethics provision of the uniform

standards of professional practice.

Sec. 22. TRANSITIONAL PROVISION; REAL ESTATE APPRAISER
RULES

On the effective date of Sec. 21 of this act (amending 26 V.S.A. chapter 69 (real estate appraisers)), the rules of the Board of Real Estate Appraisers shall constitute the rules of the Director of the Office of Professional Regulation for the practice of real estate appraisal.

* * * Acupuncturists * * *

Sec. 23. 26 V.S.A. chapter 75 is amended to read:

CHAPTER 75. ACUPUNCTURISTS

Subchapter 1. General Provisions

§ 3401. DEFINITIONS

As used in this chapter:

(1) “Acupuncture” or the “practice of acupuncture” means the insertion of fine needles through the skin at certain points on the body, with or without the application of electric current or the application of heat to the needles or skin, or both, for the purpose of promoting health and ~~balance as defined by traditional and modern Oriental theories. Acupuncture involves the use of traditional and modern Oriental diagnostic techniques, acupuncture therapy, and adjunctive therapies, including but not limited to: nonprescription remedies, exercise, nutritional and herbal therapies, therapeutic massage, and lifestyle counselling~~ well-being or to prevent or alleviate pain or unease.

* * *

(4) ~~“Disciplinary action” includes any action taken by an administrative law officer appointed pursuant to 3 V.S.A. § 129(j) against a licensed acupuncturist or applicant premised on a finding of unprofessional conduct. Disciplinary action includes all appropriate remedies, including denial of or renewal of a license, suspension, revocation, limiting, or conditioning of the license, issuing reprimands or warnings, and adopting consent orders.~~

(5) ~~“Secretary” means the secretary of state.~~

§ 3401a. SCOPE OF PRACTICE

(a) A licensed acupuncturist may, in addition to the practice of acupuncture employing fine needles, in a manner consistent with acupuncture theory, employ electrical, magnetic, thermal, and mechanical skin stimulation techniques; nonlaboratory diagnostic techniques; nutritional, herbal, and manual therapies; exercise and lifestyle counseling; acupressure; and massage.

(b) A licensed acupuncturist shall not offer diagnosis of any human pathology except for a functional diagnosis, based upon the physical complaint of a patient or acupuncture theory, for purposes of developing and managing a plan of acupuncture care, or as necessary to document to insurers and other payers the reason a patient sought care.

§ 3402. PROHIBITIONS; OFFENSES; EXEMPTIONS; EVALUATING
NONACUPUNCTURISTS

(a) Except as provided in subsections (d) through (g) of this section 3412 of this title, a person shall not practice acupuncture unless he or she is licensed in accordance with the provisions of this chapter.

* * *

(d) Nothing in subsection (a) of this section shall prevent a student from performing acupuncture under the supervision of a competent licensed acupuncturist instructor:

(1) within a school or a college or an acupuncture department of a college or university that is licensed by the Vermont Agency of Education or certified by the Accreditation Commission for Acupuncture and Oriental Medicine;

(2) as a student in a Director-approved apprenticeship; or

(3) as an intern in any hospital.

(e) Nothing in subsection (a) of this section shall prevent a person who is licensed or certified as an acupuncturist in another state or Canadian province from practicing acupuncture for no more than five days in a calendar year as part of a health care professional educational seminar or program in Vermont, if the educational seminar or program is directly supervised by a Vermont-licensed health care professional whose scope of practice includes acupuncture.

(f) This chapter shall not be construed to limit or restrict in any way the right of a licensed practitioner of a health care profession regulated under this title from performing services within the scope of his or her professional practice.

(g) Nothing in subsection (a) of this section shall prevent an unlicensed person from engaging in auriculotherapy, an unregulated practice wherein needles are inserted into the external human ear, provided such person:

(1) has appropriate training in clean needle technique;

(2) employs sterile, single-use needles, without reuse;

(3) does not purport to treat any disease, disorder, infirmity, or affliction;

(4) does not use any letters, words, or insignia indicating or implying that the person is an acupuncturist; and

(5) makes no statement implying that his or her practice of auriculotherapy is licensed, certified, or otherwise overseen by the State.

(h) The Director, with cooperation of the relevant professional regulatory boards, shall monitor and evaluate whether nonacupuncturists employing acupuncture as a therapeutic modality are doing so safely, within their scopes of practice, and in a manner consistent with the public health, safety, and welfare.

* * *

Subchapter 2. Administration

§ 3403. DIRECTOR; FUNCTIONS

* * *

§ 3404. ADVISOR APPOINTEES

(a)(1) ~~The secretary of state~~ Secretary of State shall appoint two licensed acupuncturists to serve as advisors in matters relating to acupuncture as set forth in 3 V.S.A. § 129b.

(2) Appointees shall have at least three years' experience as an acupuncturist immediately preceding appointment and shall be actively engaged in the practice of acupuncture in Vermont during incumbency.

(b) ~~The director~~ Director shall seek the advice of the acupuncturist advisors in carrying out the provisions of this chapter. ~~They shall be entitled to compensation and necessary expenses in the amount provided in 32 V.S.A. § 1010 for attendance at any meeting called by the director for that purpose.~~

Subchapter 3. Licenses

§ 3405. ELIGIBILITY FOR LICENSURE

To be eligible for licensure as an acupuncturist, an applicant shall be at least 18 years of age and shall furnish satisfactory proof that he or she has:

(1)(A) ~~completed a program in acupuncture and Oriental medicine and has received~~ holds a degree or diploma from an educational institution in ~~candidacy or accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or an~~ a substantially equivalent or successor accrediting organization approved by the U.S. Department of Education and the Director. ~~The training received in the program shall be for a period of not less than three~~

~~academic years, and, which shall include at least two academic years and a minimum of 800~~ 400 hours of supervised clinical practice; ~~or~~

~~(B) completed a training program no later than December 31, 2010 with a preceptor approved by the Director where the training program is approved by the Director and begun prior to December 31, 2007 and which shall include earning a minimum of 40 points earned in any one of the following categories or combination of categories:~~

~~(i) self-directed study-10 points for study equivalent to one year of full-time academic work in acupuncture and Oriental medicine, for a maximum of two years or 20 points;~~

~~(ii) apprenticeship-10 points for each 1,000 documented contact hours, up to a maximum of 13.5 points per year;~~

~~(iii) completed academic work in an accredited acupuncture program as described in subdivision (1) of this section-five points for each six-month period of completed academic study in the field of acupuncture and Oriental medicine, up to a maximum of four periods or 20 points;~~

~~(iv) preceptors shall be licensed and in good standing and meet the standards of the National Certification Commission for Acupuncture and Oriental Medicine in order to be approved, with no preceptor having more than two apprentices at any one time; and~~

~~(2) passed the examination described in section 3406 of this title chapter.~~

§ 3406. EXAMINATION

~~(a) The director~~ Director shall examine applicants for licensure and may use a standardized national examination. The examination shall include the following subjects:

(1) Anatomy and physiology.

~~(2) Traditional Oriental~~ Acupuncture pathology.

~~(3) Traditional Oriental~~ Acupuncture diagnosis.

(4) Hygiene, sanitation, and sterilization techniques.

~~(5) The principles, practices, and techniques of acupuncture and Oriental medicine.~~

(6) Clean needle techniques.

(7) Chinese herbology for those licensed after January 1, 2007 who intend to employ nonprescription remedies and herbal therapies.

(b) The ~~director~~ Director may adopt rules necessary to perform his or her duties under this section.

§ 3407. LICENSURE WITHOUT EXAMINATION

(a) The ~~director~~ Director may waive the examination requirement under subdivision ~~3405(3)~~ 3405(2) of this title ~~chapter~~ if the applicant is an acupuncturist regulated under the laws of another state who is in good standing to practice acupuncture in that state and, in the opinion of the ~~director~~ Director, the standards and qualifications required for regulation of acupuncturists in that state are substantially equivalent to those required by this chapter.

(b) The ~~director~~ Director may waive the examination requirement under subdivision ~~3405(3)~~ 3405(2) of this title ~~chapter~~ for an applicant who has furnished evidence of having passed the examination administered by the National Certification Commission for the Certification of for Acupuncturists Acupuncture and Oriental Medicine.

* * *

§ 3408. RENEWALS

(a) Licenses shall be renewed every two years upon payment of the required fee and furnishing satisfactory evidence of having completed 30 hours of continuing education credit during the preceding two years. The ~~director~~ Director may adopt rules for the approval of continuing education programs and the awarding of credit.

~~(b) Biennially, the director shall forward a renewal form to each licensed acupuncturist. Upon receipt of the completed form and the renewal fee, the director shall issue a new license.~~

~~(c) A license that has expired for three years or less shall be renewed upon meeting the renewal requirements and paying a late renewal penalty. A license that has expired for more than three years shall not be renewed; the applicant shall be required to apply for reinstatement. The director may adopt rules relating to reinstatement to assure that the applicant is professionally qualified.~~

* * *

§ 3410. UNPROFESSIONAL CONDUCT

~~(a) A licensed acupuncturist or applicant shall not engage in unprofessional conduct.~~

~~(b) Unprofessional conduct means any of the conduct listed in this section and 3 V.S.A. § 129a, whether committed by a licensed acupuncturist or an applicant:~~

- ~~(1) Using dishonest or misleading advertising.~~
- ~~(2) Addiction to narcotics, habitual drunkenness, or rendering professional services to a patient if the acupuncturist is intoxicated or under the influence of drugs.~~
- ~~(3) Sexual harassment of a patient.~~
- ~~(4) Engaging in sexual intercourse or other sexual conduct with a patient with whom the licensed acupuncturist has had a professional relationship within the previous two years.~~
- ~~(e) After hearing and upon a finding of unprofessional conduct, an administrative law officer appointed under 3 V.S.A. § 129(j) may take disciplinary action against a licensed acupuncturist or applicant. [Repealed.]~~

* * *

§ 3412. ACUPUNCTURE DETOXIFICATION; SPECIALIZED CERTIFICATION

- ~~(a) A person not licensed under this chapter may obtain a specialized certification as an acupuncture detoxification technician to practice auricular acupuncture according to the National Acupuncture Detoxification Association protocol from the board for the purpose of the treatment of alcoholism, substance abuse, or chemical dependency if he or she provides documentation of successful completion of a board-approved training program in acupuncture for the treatment of alcoholism, substance abuse, or chemical dependency which meets or exceeds standards of training established by the National Acupuncture Detoxification Association.~~
- ~~(b) Treatment permitted under this section may only take place in a state, federal, or board-approved site under the supervision of an individual licensed under this chapter and certified by the National Acupuncture Detoxification Association.~~
- ~~(c) A person practicing under this section shall be subject to the requirements of section 3410 of this title.~~
- ~~(d) Nothing in this section shall be construed to modify any of the requirements for licensure of acupuncturists contained in this chapter, nor shall it grant any rights to practice acupuncture which exceed the scope of this section.~~
- ~~(e) The fee for obtaining a specialized certification or renewal of a specialized certification under this section shall be that established in 3 V.S.A. § 125(b).~~
- ~~(f) Anyone certified under this section, while practicing the National~~

~~Acupuncture Detoxification Association protocol, shall be referred to as an acupuncture detoxification technician. [Repealed.]~~

* * * Athletic Trainers * * *

Sec. 24. 26 V.S.A. chapter 83 is amended to read:

CHAPTER 83. ATHLETIC TRAINERS

§ 4151. DEFINITIONS

As used in this chapter:

* * *

(3) “Athletic training” means the application of principles and methods of conditioning, the prevention, immediate care, recognition, evaluation, assessment, and treatment of athletic and orthopedic injuries within the scope of education and training, the organization and administration of an athletic training program, and the education and counseling of athletes, coaches, family members, medical personnel, and communities, and groups in the area of care and prevention of athletic and orthopedic injuries. ~~Athletic training may only be applied in the “traditional setting” and the “clinical setting”:~~

~~(A) Without further referral, to athletes participating in organized sports or athletic teams at an interscholastic, intramural, instructional, intercollegiate, amateur, or professional level.~~

~~(B) With a referral from a physician, osteopathic physician, advanced practice registered nurse, physician assistant, dentist, or chiropractor, to athletes or the physically active who have an athletic or orthopedic injury and have been determined, by a physician’s examination, to be free of an underlying pathology that would affect treatment.~~

* * *

(10) “Referral” means sending a patient for treatment determination, recorded in writing, by an allopathic or osteopathic physician, podiatrist, advanced practice registered nurse, physician assistant, physical therapist, naturopath, dentist, or chiropractor, that an athlete or physically active individual should be treated by an athletic trainer, and that such person is free of an underlying pathology that would affect treatment.

(11) “Settings” means ~~any areas in which an athletic trainer may practice athletic training. These areas include:~~

~~(A) “Traditional setting” means working with any organized sports or athletic teams at an interscholastic, intramural, instructional, intercollegiate, amateur, or professional level.~~

~~(B) “Clinical setting” means an outpatient orthopaedic or sports medicine clinic that employs one of the following: physician, osteopathic physician, chiropractor, or physical therapist. [Repealed.]~~

(12) “Underlying pathology” means any disease process, including neuromuscular disease, diabetes, spinal cord injuries, and systemic diseases.

§ 4151a. PRACTICE CONTEXTS; REFERRAL REQUIRED FOR CLINICAL CARE

(a) A person licensed under this chapter may provide athletic training:

(1) by formal engagement with a team, school, college, university, league, or other sporting organization, to affiliated athletes participating in organized sports or athletic teams at an interscholastic, intramural, instructional, intercollegiate, amateur, or professional level;

(2) upon referral of an athlete or physically active individual to an athletic training clinic;

(3) by engagement with an employer or organization for the purpose of educating groups on the care and prevention of athletic and orthopedic injuries or conditioning appropriate to physical demands upon employees or members; or

(4) in a bona fide emergency necessitating response care of an injured athlete.

(b) Practice outside the settings set forth in subsection (a) of this section, including clinical practice without referral, exceeds an athletic trainer’s scope of practice. Such practice is not entitled to the protections of § 4160 of this chapter and may be sanctioned as unprofessional conduct.

§ 4152. PROHIBITION; OFFENSES

(a) ~~No~~ A person ~~may~~ shall not use in connection with the person’s name any letters, words, or insignia indicating or implying that the person is a licensed athletic trainer unless the person is licensed in accordance with this chapter.

(b) A person who violates any of the provisions of subsection (a) of this section shall be subject to the penalties provided in 3 V.S.A. § 127(e).

§ 4153. EXEMPTIONS

The provisions of this chapter shall not apply to:

* * *

~~(2) a person who assists or provides response care to an injured athlete and who does not attempt to assess the injury, provide follow-up treatment, or~~

~~otherwise practice athletic training as defined in this chapter; [Repealed.]~~

(3) a person duly licensed under the laws of this ~~state~~ State who is practicing within the scope of the profession for which the person is licensed; or

(4) the practice of athletic training ~~which~~ that is incidental to a program of study by a person enrolled in an athletic training education program approved by the ~~director~~ Director, or graduates of an approved athletic training education program ~~pending the results of the first licensing examination scheduled by the director following graduation. Graduates shall practice under the supervision of a licensed athletic trainer and shall have an application for licensure by examination on file working under the direct supervision of a person licensed under this chapter within 90 days following graduation from that program.~~

* * *

§ 4157a. ~~TEMPORARY LICENSURE~~

~~An applicant who is currently certified by and in good standing with the National Athletic Trainers Association Board of Certification, or who is currently licensed or certified and in good standing in another state, shall be eligible for a 60-day temporary license. Applicants under this section shall meet the requirements of section 4158 of this title. Temporary practice shall not exceed 60 days in any calendar year. [Repealed.]~~

§ 4158. ~~APPLICATION~~

~~A person who desires to be licensed as an athletic trainer shall apply to the director in writing, on a form furnished by the director, accompanied by payment of a fee required pursuant to 3 V.S.A. § 125 and evidence that the applicant meets the requirements set forth in section 4156 or 4157 of this title. [Repealed.]~~

§ 4158a. ~~RENEWALS~~

~~(a) Licenses shall be renewed every two years upon payment of the required fee.~~

~~(b) Biennially, the director shall forward a renewal form to each license holder. Upon receipt of the completed form and the renewal fee, the director shall issue a new license.~~

~~(c) Any application for renewal of a license which has expired shall be accompanied by the renewal fee and late fee. A person shall not be required to pay renewal fees for years during which the license was lapsed.~~

~~(d) The director may, after notice and opportunity for a hearing, revoke a~~

person's right to renew licensure if the license has lapsed for five or more years. [Repealed.]

§ 4159. UNPROFESSIONAL CONDUCT

(a) ~~A licensed athletic trainer shall not engage in unprofessional conduct. When such conduct is committed by an applicant, it shall be grounds for denial of the application or other disciplinary action.~~

(b) ~~Unprofessional conduct means the following conduct and conduct set forth in 3 V.S.A. § 129a:~~

(1) ~~Failing to make available to a person using athletic training services, upon that person's request, copies of documents in the possession or under the control of the practitioner, when those documents have been prepared for the user of services.~~

(2) ~~Conduct which evidences unfitness to practice athletic training.~~

(3) ~~Sexual harassment of a person using athletic training services.~~

(4) ~~Engaging in a sexual act as defined in 13 V.S.A. § 3251 with a person using athletic training services.~~

(5) ~~Any of the following except when reasonably undertaken in an emergency in order to protect life, health, or property:~~

(A) ~~Practicing or offering to practice beyond the scope permitted by law.~~

(B) ~~Performing athletic training services which have not been authorized by the consumer or his or her legal representative.~~

(6) ~~Conduct prohibited under any other laws relating to athletic training.~~

(c) ~~After notice and an opportunity for hearing, and upon a finding of unprofessional conduct, an administrative law officer may take disciplinary action against a licensed athletic trainer or applicant. [Repealed.]~~

* * *

* * * Applied Behavior Analysts * * *

Sec. 25. 26 V.S.A. chapter 95 is amended to read:

CHAPTER 95. APPLIED BEHAVIOR ANALYSTS

* * *

Subchapter 3. Licenses

* * *

§ 4925. RENEWALS

* * *

(b) Biennially, the Director shall provide notice to each licensee of license expiration and renewal requirements. Upon receipt of ~~the completed form and the a complete and satisfactory renewal application and fee~~, the Director shall issue a new license.

* * *

~~(d)(1) The Director may reinstate the license of an individual whose license has expired upon payment of the required fee and reinstatement penalty, provided the individual has satisfied all the requirements for renewal, including continuing education.~~

~~(2) The Director may adopt rules necessary for the protection of the public to assure the Director that an applicant whose license has expired or who has not worked for more than three years as an applied behavior analyst or an assistant behavior analyst is professionally qualified for license renewal. Conditions imposed under this subsection shall be in addition to the other requirements of this section. [Repealed.]~~

* * *

§ 4927. APPLICATIONS

~~Applications for licensure and license renewal shall be on forms provided by the~~ The Director shall promulgate applications for licensure and license renewal. Each application shall contain a statement under oath showing the applicant's education, experience, and other pertinent information and shall be accompanied by the required fee.

* * *

* * * Notaries Public * * *

Sec. 26. 24 V.S.A. § 1160 is amended to read:

§ 1160. ACKNOWLEDGEMENTS; OATH

(a) A town clerk, commissioned as a notary public pursuant to 26 V.S.A. chapter 103, may take acknowledgements of deeds and other instruments throughout his or her county.

(b) In his or her county, he or she may administer oaths in all cases where an oath is required, without being commissioned as a notary public pursuant to 26 V.S.A. chapter 103.

(c)(1) Each town clerk may designate from among the members of his or her staff at least one notary public to be available to perform notarial acts for

the public in the town clerk's office during normal business hours free of charge.

(2) Each individual designated by the town clerk under this subsection shall be commissioned as a notary public pursuant to 26 V.S.A. chapter 103 and shall be exempt from the notary public application fee under that chapter.

Sec. 27. 26 V.S.A. § 5304 is amended to read:

§ 5304. DEFINITIONS

As used in this chapter:

* * *

(8) "Notarial officer" means a ~~notary public or other~~ an individual authorized to perform a notarial act under authority and within the jurisdiction of another state, under authority and within the jurisdiction of a federally recognized Indian tribe, under authority of federal law, under authority and within the jurisdiction of a foreign state or constituent unit of the foreign state, or under authority of a multinational or international governmental organization.

* * *

Sec. 28. 26 V.S.A. § 5305 is amended to read:

§ 5305. EXEMPTIONS

(a) ~~Generally~~ Judiciary- and law enforcement-related employees.

(1) Employee exemptions.

(A) Judiciary-related.

(i) The persons set forth in subdivision (2)(A) of this subsection, when acting within the scope of their official duties, are exempt from all of the requirements of this chapter, including the requirement to pay the fee set forth in section 5324 of this chapter, except for the requirements:

(A) requirement to apply for a commission as set forth in section 5341(a), (b)(1)–(3), (c), (d), and (e) of this chapter; and

(B) ~~unless exempted under subsection (c) of this section, to pay the fee set forth in section 5324 of this chapter.~~

(ii) A commission issued to a person under this subdivision (A) shall not be considered a license.

(B) Law enforcement-related.

(i) The persons set forth in subdivision (2)(B) of this subsection, when acting within the scope of their official duties, shall be commissioned as notaries public authorized to perform a notarial act as a matter of law and are exempt from all of the requirements of this chapter, including the requirement to pay the fee set forth in section 5324 of this chapter.

(ii) A notarial act that identifies the notary public as a person who is exempt under this subdivision (B) shall establish as a matter of law that the person is commissioned as a notary public for the purpose of acting within the scope of official duties under this subsection.

(2) Employees, defined.

(A) Judiciary-related. Persons employed by the Judiciary, including judges, Superior Court clerks, court operations managers, Probate registers, case managers, docket clerks, assistant judges, county clerks, and after-hours relief from abuse contract employees.

(B) Law enforcement-related. Persons employed as law enforcement officers certified under 20 V.S.A. chapter 151; who are noncertified constables; or who are employed by a Vermont law enforcement agency, the Department of Public Safety, of Fish and Wildlife, of Motor Vehicles, of Liquor Control, or for Children and Families, the Office of the Defender General, the Office of the Attorney General, or a State's Attorney or Sheriff.

(3) Official duties, defined. As used in subdivision (1) of this subsection, "acting within the scope of official duties" means that a person is notarizing a document that:

(A) he or she believes is related to the execution of his or her duties and responsibilities of employment or is the type of document that other employees notarize in the course of employment;

(B) is useful or of assistance to any person or entity identified in subdivision (2) of this subsection (a);

(C) is required, requested, created, used, submitted, or relied upon by any person or entity identified in subdivision (2) of this subsection (a);

(D) is necessary in order to assist in the representation, care, or protection of a person or the State;

(E) is necessary in order to protect the public or property;

(F) is necessary to represent or assist crime victims in receiving restitution or other services;

(G) relates to a Vermont or federal court rule or statute governing any criminal, postconviction, mental health, family, juvenile, civil, probate, Judicial Bureau, Environmental Division, or Supreme Court matter; or

(H) relates to a matter subject to Title 4, 12, 13, 15, 18, 20, 23, or 33 of the Vermont Statutes Annotated.

(b) Attorneys.

(1) Attorneys licensed and in good standing in this State are exempt from:

(A) the examination requirement set forth in subsection 5341(b) of this chapter; and

(B) the continuing education requirement set forth in section 5343 of this chapter.

(2) If a complaint of a violation of this chapter is filed in regard to a Vermont licensed attorney, the Office shall refer the complaint to the Professional Responsibility Board and shall request a report back from the Board regarding the final disposition of the complaint.

(c) ~~Fees~~ Town clerks, assistants, and justices of the peace. ~~The following persons are exempt from the fee set forth in section 5324 of this chapter:~~

~~(1)(A) a judge, clerk, or other court staff, as designated by the Court Administrator; A town clerk and his or her assistants may perform notarial acts as notaries public throughout the town clerk's county, provided that they shall comply with all of the requirements of this chapter, except as provided in subdivision (2) of this subsection.~~

~~(B) Subject to the provisions of subdivision (A) of this subdivision (1), performing notarial acts as a notary public shall be considered within the scope of the official duties of a town clerk and his or her assistants.~~

~~(2) State's Attorneys and their deputies and Assistant Attorneys General, public defenders, and their staff;~~

~~(3) justices~~ Justices of the peace and town clerks and their assistants; and

~~(4) State Police officers, municipal police officers, fish and game wardens, sheriffs and deputy sheriffs, motor vehicle inspectors, employees of the Department of Corrections, and employees of the Department for Children and Families are exempt from the fee set forth in section 5324 of this chapter.~~

(d) Unauthorized practice. Nothing in this section is intended to prohibit prosecution of a person under 3 V.S.A. § 127 (unauthorized practice).

Sec. 29. 26 V.S.A. § 5361 is amended to read:

§ 5361. NOTARIAL ACTS IN THIS STATE; AUTHORITY TO PERFORM

(a) A notarial act, as defined in subdivision 5304(7)(A) of this chapter, may only be performed in this State by a notary public commissioned under this chapter.

(b) The signature and title of an individual performing a notarial act in this State are prima facie evidence that the signature is genuine and that the individual holds the designated title.

* * * Massage Services * * *

Sec. 30. OFFICE OF PROFESSIONAL REGULATION; ADDENDUM TO PRELIMINARY SUNRISE ASSESSMENT ON MASSAGE THERAPY

(a) On or before January 15, 2020, the Office of Professional Regulation shall prepare and submit to the Senate and House Committees on Government Operations an Addendum to its 2015-2016 Preliminary Sunrise Assessment on Massage Therapy, dated January 5, 2016. The Addendum shall apply the criteria set forth in 26 V.S.A. chapter 57 (review of regulatory laws) to assess whether new regulation of businesses or individuals offering massage services will serve the interests of public safety pertaining to sexual misconduct and human trafficking. Development of the Addendum shall not require the Office to repeat its 2010 and 2016 analyses of proposals by applicants for sunrise review.

(b) In preparing the Addendum, the Office shall consult with the Vermont Center for Crime Victim Services, the Vermont Network Against Domestic and Sexual Violence, the Vermont Department of Public Safety, the Vermont Police Association, the Vermont Association of Chiefs of Police, the Vermont Human Trafficking Task Force, representatives of massage therapists, and such other advocacy organizations, researchers, State and federal agencies, and law enforcement authorities as the Office may deem appropriate.

* * * Effective Date * * *

Sec. 31. EFFECTIVE DATE

This act shall take effect on July, 1, 2019.

Which proposal of amendment was considered and concurred in.

Third Reading; Bill Passed**H. 143**

House bill, entitled

An act relating to appointing town agents

Was taken up, read the third time and passed.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment****S. 31**

Senate bill, entitled

An act relating to informed health care financial decision making

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment****S. 73**

Senate bill, entitled

An act relating to licensure of ambulatory surgical centers

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence with
Proposal of Amendment****S. 112**

Senate bill, entitled

An act relating to earned good time

Was taken up and pending third reading of the bill, **Rep. Donahue of Northfield** moved to propose to the Senate to amend the bill as follows:

In Sec. 2, 28 V.S.A. § 818(b)(2), after the word “sentence”, by inserting “, or a reduction of six days in the minimum and maximum sentence if the offender is serving the sentence out of state.”

Thereupon, **Rep. Donahue of Northfield** asked and was granted leave of the House to withdraw the amendment. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

**Proposal of Amendment agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 131

Senate bill, entitled

An act relating to insurance and securities

Was taken up and pending third reading of the bill, **Rep. Jerome of Brandon** moved to propose to the Senate to amend the bill as follows:

By striking out Sec. 17 and the accompanying reader assistance in their entireties and by inserting in lieu thereof a new Sec. 17 and a Sec. 17a and an accompanying reader assistance to read as follows:

* * * Financial Services Education and Victim Restitution

Special Fund * * *

Sec. 17. REPEAL; FINANCIAL SERVICES EDUCATION AND TRAINING SPECIAL FUND

9 V.S.A. § 5601(e), establishing the Financial Services Education and Training Special Fund, is repealed.

Sec. 17a. 9 V.S.A. § 5616 is added to read:

§ 5616. VERMONT FINANCIAL SERVICES EDUCATION AND VICTIM
RESTITUTION SPECIAL FUND

(a) Purpose. The purpose of this section is to provide:

(1) funds for the purposes specified in subsection 5601(d) of this title;
and

(2) restitution assistance to victims of securities violations who:

(A) were awarded restitution in a final order issued by the
Commissioner or were awarded restitution in the final order in a legal action
initiated by the Commissioner;

(B) have not received the full amount of restitution ordered before
the application for restitution assistance is due; and

(C) demonstrate to the Commissioner's satisfaction that there is no
reasonable likelihood that they will receive the full amount of restitution in the
future.

(b) Definitions. As used in this section,

(1) "Claimant" means a person who files an application for restitution
assistance under this section on behalf of a victim. The claimant and the

victim may be the same but do not have to be the same. The term includes the named party in a restitution award in a final order, the executor of a named party in a restitution award in a final order, and the heirs and assigns of a named party in a restitution award in a final order.

(2) "Final order" means a final order issued by the Commissioner or a final order in a legal action initiated by the Commissioner.

(3) "Fund" means the Vermont Financial Services Education and Victim Restitution Special Fund created by this section.

(4) "Securities violation" means a violation of this chapter and any related administrative rules.

(5) "Victim" means a person who was awarded restitution in a final order.

(6) "Vulnerable person" means:

(A) a person who meets the definition of vulnerable person under 33 V.S.A. § 6902(14); or

(B) a person who is at least 60 years of age.

(c) Eligibility.

(1) A natural person who was a resident of Vermont at the time of the alleged fraud is eligible for restitution assistance.

(2) The Commissioner shall not award securities restitution assistance under this section:

(A) to more than one claimant per victim;

(B) unless the person ordered to pay restitution has not paid the full amount of restitution owed to the victim before the application for restitution assistance from the fund is due;

(C) if there was no award of restitution in the final order; or

(D) to a claimant who has not exhausted his or her appeal rights.

(d) Denial of assistance. The Commissioner shall not award restitution assistance if the victim:

(1) sustained the monetary injury as a result of:

(A) participating or assisting in the securities violation; or

(B) attempting to commit or committing the securities violation;

(2) profited or would have profited from the securities violation; or

(3) is an immediate family member of the person who committed the securities violation.

(e) Application for restitution assistance and maximum amount of restitution assistance award.

(1) The Commissioner may adopt procedures and forms for application for restitution assistance under this section.

(2) An application must be received by the Commissioner within two years after the deadline for payment of restitution established in the final order.

(3) Except as provided in subdivision (4) of this subsection, the maximum award from the Fund for each claimant shall be the lesser of \$25,000.00 or 25 percent of the amount of unpaid restitution awarded in a final order.

(4) If the claimant is a vulnerable person, the maximum award from the Fund shall be the lesser of \$50,000.00 or 50 percent of the amount of unpaid restitution awarded in the final order.

(f) Vermont Financial Services Education and Victim Restitution Special Fund. The Vermont Financial Services Education and Victim Restitution Special Fund, pursuant to 32 V.S.A. chapter 7, subchapter 5, is created to provide funds for the purposes specified in this section and in subsection 5601(d) of this title. All monies received by the State for use in financial services education initiatives pursuant to subsection 5601(d) of this title or in providing uncompensated victims restitution pursuant to this section shall be deposited into the Fund. The Commissioner may direct a party to deposit a sum not to exceed 15 percent of the total settlement amount into the Fund in conjunction with settling a State securities law enforcement matter. Interest earned on the Fund shall be retained in the Fund.

(g) Award not subject to execution, attachment, or garnishment. An award made by the Commissioner under this section is not subject to execution, attachment, garnishment, or other process.

(h) State's liability for award. The Commissioner shall have the discretion to suspend applications and awards based on the solvency of the Fund. The State shall not be liable for any determination made under this section.

(i) Subrogation of rights of State.

(1) The State is subrogated to the rights of the person awarded restitution under this chapter to the extent of the award.

(2) The subrogation rights are against the person who committed the securities violation or a person liable for the pecuniary loss.

(j) Rulemaking authority. The Commissioner may adopt rules to implement this section.

(k) Bulletin. The Commissioner shall publish a bulletin defining the term “immediate family member” for purposes of this section.

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

H. 511

House bill, entitled

An act relating to criminal statutes of limitations

H. 514

House bill, entitled

An act relating to miscellaneous tax provisions

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 259

Rep. Copeland-Hanzas of Bradford moved that the committee on Government Operations be relieved of House bill, entitled

An act relating to a shared social worker position within the Montpelier and Barre Police Departments

And that the bill be committed to the committee on Health Care, which was agreed to.

Recess

At eleven o'clock and fourteen minutes in the forenoon, the Speaker declared a recess until four o'clock and thirty minutes in the afternoon.

At four o'clock and forty-seven minutes in the afternoon, the Speaker called the House to order.

Message from the Senate No. 52

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 considered bills originating in the House of the following titles:

H. 13. An act relating to miscellaneous amendments to alcoholic beverage and tobacco laws.

H. 47. An act relating to the taxation of electronic cigarettes.

H. 57. An act relating to preserving the right to abortion.

H. 205. An act relating to the regulation of neonicotinoid pesticides.

H. 518. An act relating to fair and impartial policing.

H. 527. An act relating to Executive Branch and Judicial Branch fees.

H. 529. An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

H. 542. An act relating to making appropriations for the support of government.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered House proposals of amendment to the following Senate bills and has refused to concur therein and asks for Committees of Conference upon the disagreeing votes of the two Houses to which the President announced the appointment as members of such Committees on the part of the Senate:

S. 40. An act relating to testing and remediation of lead in the drinking water of schools and child care facilities.

Senator Baruth
Senator Ingram
Senator Hardy

S. 95. An act relating to municipal utility capital investment.

Senator MacDonald
Senator Pearson
Senator Balint

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 511. An act relating to criminal statutes of limitations.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Benning
Senator Nitka
Senator Sears

Senate Proposal of Amendment Concurred in

H. 79

The Senate proposed to the House to amend House bill, entitled

An act relating to eligibility for farm-to-school grant assistance

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

Sec. 1. 6 V.S.A. § 4721 is amended to read:

§ 4721. LOCAL FOODS GRANT PROGRAM

(a) There is created in the Agency of Agriculture, Food and Markets the Rozo McLaughlin Farm-to-School Program to execute, administer, and award local grants for the purpose of helping Vermont schools develop farm-to-school programs that will sustain relationships with local farmers and producers, enrich the educational experience of students, improve the health of Vermont children, and enhance Vermont's agricultural economy.

(b) A school, a school district, a consortium of schools, a consortium of school districts, ~~or a registered or licensed child care providers~~ provider, or an organization administering or assisting the development of farm-to-school programs may apply to the Secretary of Agriculture, Food and Markets for a grant award to:

(1) fund equipment, resources, training, and materials that will help to increase use of local foods in child nutrition programs;

(2) fund items, including local food products, gardening supplies, field trips to farms, gleanings on farms, and stipends to visiting farmers, that will help educators to use hands-on educational techniques to teach children about nutrition and farm-to-school connections;

(3) fund professional development and technical assistance, in partnership with the Agency of Education and farm-to-school technical service providers, to help teachers, child nutrition personnel, organizations administering or assisting the development of farm-to-school programs, and members of the farm-to-school community educate students about nutrition

and farm-to-school connections and assist schools and licensed or registered child care providers in developing a farm-to-school program; and

(4) fund technical assistance or support strategies to increase participation in federal child nutrition programs that increase the viability of sustainable meal programs.

(c) The Secretaries of Agriculture, Food and Markets and of Education and the Commissioner of Health, in consultation with farmers, child nutrition staff, educators, organizations administering or assisting the development of farm-to-school programs, and farm-to-school technical service providers jointly shall adopt procedures relating to the content of the grant application and the criteria for making awards.

(d) The Secretary shall determine that there is significant interest in the school community before making an award and shall give priority consideration to schools, school districts, and registered or licensed child care providers that are developing farm-to-school connections and education, that indicate a willingness to make changes to their child nutrition programs to increase student access and participation, and that are making progress toward the implementation of the Vermont School Wellness Policy Guidelines developed by the Agency of Agriculture, Food and Markets, the Agency of Education, and the Department of Health, updated in June 2015 or of the successor of these guidelines.

(e) No award shall be greater than ~~\$15,000.00~~ 20 percent of the total annual amount available for granting except that a grant award to the following entities may, at the discretion of the Secretary of Agriculture, Food and Markets, exceed the cap:

(1) Farm-to-School service providers; or

(2) school districts or consortiums of school districts that completed merger under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46 on or before July 1, 2019, provided that the grant is used for the purpose of expanding Farm-to-School projects to additional schools within the new school district.

Sec. 2. 6 V.S.A. § 4722 is amended to read:

§ 4722. FARM ASSISTANCE; SECRETARY OF AGRICULTURE, FOOD AND MARKETS

(a) The Secretary of Agriculture, Food and Markets shall work with existing programs and organizations to develop and implement educational opportunities for farmers to help them increase their markets through selling

their products to schools, registered or licensed child care providers, and State government agencies that operate or participate in child nutrition programs.

(b) The Secretary of Agriculture, Food and Markets shall work with distributors that sell products to schools, registered or licensed child care providers, and State government agencies to increase the availability of local products. The Secretary of Agriculture, Food and Markets shall consult and cooperate with the Secretary of Education when working with distributors to schools under this subsection.

Sec. 3. 6 V.S.A. § 4724(b) is amended to read:

(b) The duties of the Food Systems Administrator shall include:

(1) working with institutions, schools, the Agency of Education, registered or licensed child care providers, distributors, producers, commercial markets, and others to create matchmaking opportunities that increase the number of Vermont institutions that purchase foods grown or produced in Vermont;

* * *

Sec. 4. 16 V.S.A. § 1264 is amended to read:

§ 1264. FOOD PROGRAM

(a)(1) Each school board operating a public school shall cause to operate within the school district a food program that makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending student every school day.

(2) Each school board operating a public school shall offer a summer snack or meals program funded by the Summer Food Service program or the National School Lunch Program for participants in a summer educational or recreational program or camp if:

(A) at least 50 percent of the students in a school in the district were eligible for free or reduced-price meals under subdivision (1) of this subsection for at least one month in the preceding academic year;

(B) the district operates or funds the summer educational or recreational program or camp; and

(C) the summer educational or recreational program or camp is offered 15 or more hours per week.

(b) In the event of an emergency, the school board may apply to the Secretary for a temporary waiver of the requirements in subsection (a) of this

section. The Secretary shall grant the requested waiver if he or she finds that it is unduly difficult for the school district to provide a school lunch, breakfast, or summer meals program, or any combination of the three, and if he or she finds that the school district and supervisory union have exercised due diligence to avoid the emergency situation that gives rise to the need for the requested waiver. In no event shall the waiver extend for a period to exceed 20 school days or, in the case of a summer meals program, the remainder of the summer vacation.

(c) The State shall be responsible for the student share of the cost of breakfasts provided to all students eligible for a reduced-price breakfast under the federal school breakfast program and for the student share of the cost of lunches provided to all students eligible for a reduced-price lunch under the federal school lunch program.

(d) It is a goal of the State that by the year 2022 school boards operating a school lunch, breakfast, or summer meals program shall purchase at least 20 percent of all food for those programs from local producers.

(e)(1) On or before December 31, 2020, and annually thereafter, a school board operating a school lunch, breakfast, or summer meals program shall submit to the Agency of Education an estimate of the percentage of locally produced foods that were purchased by the school board for those programs.

(2) On or before January 31, 2021, and annually thereafter, the Agency of Education shall submit to the Senate Committees on Agriculture and on Education and the House Committees on Agriculture and Forestry and on Education in an aggregated form the information received from school boards regarding the percentage of locally produced foods that are purchased as part of a school lunch, breakfast, or summer meals program. The provisions of 2 V.S.A. § 20(d) regarding expiration of required reports shall not apply to the report required by this subdivision.

Sec. 5. 16 V.S.A. § 559 is amended to read:

§ 559. PUBLIC BIDS

(a) When the cost exceeds \$15,000.00. A school board or supervisory union board shall publicly advertise or invite three or more bids from persons deemed capable of providing items or services if costs are in excess of \$15,000.00 for any of the following:

(1) the construction, purchase, lease, or improvement of any school building;

(2) the purchase or lease of any item or items required for supply, equipment, maintenance, repair, or transportation of students; or

(3) a contract for transportation, maintenance, or repair services.

* * *

(c) Contract award.

(1) A contract for any such item or service to be obtained pursuant to subsection (a) of this section shall be awarded to one of the three lowest responsible bids conforming to specifications, with consideration being given to quantities involved, time required for delivery, purpose for which required, competency and responsibility of bidder, and his or her ability to render satisfactory service. A board shall have the right to reject any or all bids.

* * *

(e) Application of this section. Any contract entered into or purchase made in violation of the provisions of this section shall be void; provided, however, that:

* * *

(4) Nothing in this section shall be construed to prohibit a school board from awarding a school nutrition contract after using any method of bidding or requests for proposals permitted under federal law for award of the contract. Notwithstanding the monetary amount in subsection (a) of this section for which a school board is required to advertise publicly or invite three or more bids or requests for proposal, a school board is required to publicly advertise or invite three or more bids or requests for proposal for purchases made from the nonprofit school food service account for purchases in excess of the federal simplified acquisition threshold when purchasing food or in excess of \$25,000.00 when purchasing nonfood items, unless a municipality sets a lower threshold for purchases from the nonprofit school food service account.

* * *

Sec. 6. NATIONAL SCHOOL LUNCH PROGRAM; FREE AND
REDUCED LUNCH; INCREASED QUALIFIED PARTICIPANTS

(a) It is the goal of the General Assembly that the State attempt to identify as many families as possible in the State who are qualified to receive free and reduced lunches under the National School Lunch Program.

(b)(1) The Department of Taxes shall consult with the Agency of Education and the Department for Children and Families regarding whether existing tax data in the possession of the Department, including earned income tax credit data, can be used to:

(A) maximize enrollment in State and federal assistance programs;
and

(B) increase enrollment in State and federal assistance programs that may be used to directly certify families in the State as qualified to receive free and reduced lunches under the National School Lunch Program.

(2) If the Department of Taxes determines that tax data may be used to directly certify families as qualified to receive free and reduced lunches, the Agency of Education shall apply to the U.S. Department of Agriculture for a waiver to use the relevant tax data to directly certify qualified families in the State.

(3) On or before January 15, 2020, the Department of Taxes shall submit to the Senate Committees on Agriculture and on Education and the House Committees on Agriculture and Forestry and on Education a report regarding the status of State efforts under subdivision (1) of this subsection to directly certify families as qualified to receive free and reduced lunches.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 542

Pending entrance of the bill on the Calendar for Notice, on motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to making appropriations for the support of government

Was taken up for immediate consideration.

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

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2020 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of State government during fiscal year 2020. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those that can be supported by funds appropriated in this act or other acts passed prior to June 30, 2019. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2020 so as to meet this condition unless

otherwise directed by specific language in this act or other acts of the General Assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the General Assembly that this act serves as the primary source and reference for appropriations for fiscal year 2020.

(b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single-year appropriations and only for the purpose indicated and shall be paid from funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the Commissioner of Finance and Management.

(c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending on June 30, 2020.

Sec. A.103 DEFINITIONS

(a) As used in this act:

(1) "Encumbrances" means a portion of an appropriation reserved for the subsequent payment of existing purchase orders or contracts. The Commissioner of Finance and Management shall make final decisions on the appropriateness of encumbrances.

(2) "Grants" means subsidies, aid, or payments to local governments, to community and quasi-public agencies for providing local services, and to persons who are not wards of the State for services or supplies and means cash or other direct assistance, including pension contributions.

(3) "Operating expenses" means property management, repair and maintenance, rental expenses, insurance, postage, travel, energy and utilities, office and other supplies, equipment, including motor vehicles, highway materials, and construction, expenditures for the purchase of land and construction of new buildings and permanent improvements, and similar items.

(4) "Personal services" means wages and salaries, fringe benefits, per diems, and contracted third-party services, and similar items.

Sec. A.104 RELATIONSHIP TO EXISTING LAWS

(a) Except as specifically provided, this act shall not be construed in any way to negate or impair the full force and effect of existing laws.

Sec. A.105 OFFSETTING APPROPRIATIONS

(a) In the absence of specific provisions to the contrary in this act, when total appropriations are offset by estimated receipts, the State appropriations shall control, notwithstanding receipts being greater or less than anticipated.

Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2020, the Governor, with the approval of the Legislature or the Joint Fiscal Committee if the Legislature is not in session, may accept federal funds available to the State of Vermont, including block grants in lieu of or in addition to funds herein designated as federal. The Governor, with the approval of the Legislature or the Joint Fiscal Committee if the Legislature is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2020, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2019 session of the Vermont General Assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the Governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The Governor may spend such funds for such purposes for no more than 45 days prior to Legislative or Joint Fiscal Committee approval. Notice shall be given to the Joint Fiscal Committee without delay if the Governor intends to use the authority granted by this section, and the Joint Fiscal Committee shall meet in an expedited manner to review the Governor's request for approval.

Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized State positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(11), shall not be increased during fiscal year 2020 except for new positions authorized by the 2019 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction, nor shall positions created pursuant to the Position Pilot Program authorized in 2014 Acts and Resolves No. 179, Sec. E.100(d), as amended by 2015 Acts and Resolves No. 4, Sec. 74, by 2016 Acts and Resolves No. 172, Sec. E.100.2, by 2017 Acts and Resolves No. 85, Sec. E.100.1, and by 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.100.1.

Sec. A.108 LEGEND

(a) The bill is organized by functions of government. The sections between B.100 and B.9999 contain appropriations of funds for the upcoming budget year. The sections between E.100 and E.9999 contain language that

relates to specific appropriations or government functions, or both. The function areas by section numbers are as follows:

<u>B.100–B.199 and E.100–E.199</u>	<u>General Government</u>
<u>B.200–B.299 and E.200–E.299</u>	<u>Protection to Persons and Property</u>
<u>B.300–B.399 and E.300–E.399</u>	<u>Human Services</u>
<u>B.400–B.499 and E.400–E.499</u>	<u>Labor</u>
<u>B.500–B.599 and E.500–E.599</u>	<u>General Education</u>
<u>B.600–B.699 and E.600–E.699</u>	<u>Higher Education</u>
<u>B.700–B.799 and E.700–E.799</u>	<u>Natural Resources</u>
<u>B.800–B.899 and E.800–E.899</u>	<u>Commerce and Community Development</u>
<u>B.900–B.999 and E.900–E.999</u>	<u>Transportation</u>
<u>B.1000–B.1099 and E.1000–E.1099</u>	<u>Debt Service</u>
<u>B.1100–B.1199 and E.1100–E.1199</u>	<u>One-time and other appropriation actions</u>

(b) The C sections contain any amendments to the current fiscal year and the D sections contain fund transfers and reserve allocations for the upcoming budget year.

Sec. B.100 Secretary of administration - secretary's office

Personal services	901,632
Operating expenses	<u>209,988</u>
Total	1,111,620
Source of funds	
General fund	886,620
Special funds	150,000
Internal service funds	<u>75,000</u>
Total	1,111,620

Sec. B.101 Secretary of administration - finance

Personal services	1,251,050
Operating expenses	<u>128,367</u>
Total	1,379,417
Source of funds	
Interdepartmental transfers	<u>1,379,417</u>
Total	1,379,417

Sec. B.102 Secretary of administration - workers' compensation insurance

Personal services	540,613
Operating expenses	<u>229,050</u>
Total	769,663
Source of funds	
Internal service funds	<u>769,663</u>
Total	769,663
Sec. B.103 Secretary of administration - general liability insurance	
Personal services	589,805
Operating expenses	<u>67,265</u>
Total	657,070
Source of funds	
Internal service funds	<u>657,070</u>
Total	657,070
Sec. B.104 Secretary of administration - all other insurance	
Personal services	16,891
Operating expenses	<u>15,284</u>
Total	32,175
Source of funds	
Internal service funds	<u>32,175</u>
Total	32,175
Sec. B.105 Agency of digital services - communications and information technology	
Personal services	48,324,719
Operating expenses	<u>23,980,357</u>
Total	72,305,076
Source of funds	
General fund	179,238
Special funds	383,707
Internal service funds	<u>71,742,131</u>
Total	72,305,076
Sec. B.106 Finance and management - budget and management	
Personal services	1,425,403
Operating expenses	<u>207,736</u>
Total	1,633,139
Source of funds	
General fund	1,286,501
Internal service funds	<u>346,638</u>
Total	1,633,139

Sec. B.107 Finance and management - financial operations

Personal services	2,210,271
Operating expenses	<u>651,353</u>
Total	2,861,624
Source of funds	
Internal service funds	<u>2,861,624</u>
Total	2,861,624

Sec. B.108 Human resources - operations

Personal services	8,421,206
Operating expenses	<u>1,267,123</u>
Total	9,688,329
Source of funds	
General fund	1,978,207
Special funds	277,462
Internal service funds	6,552,186
Interdepartmental transfers	<u>880,474</u>
Total	9,688,329

Sec. B.108.1 Human resources - VTNR operations

Personal services	1,785,852
Operating expenses	<u>728,786</u>
Total	2,514,638
Source of funds	
Internal service funds	<u>2,514,638</u>
Total	2,514,638

Sec. B.109 Human resources - employee benefits & wellness

Personal services	1,022,285
Operating expenses	<u>587,816</u>
Total	1,610,101
Source of funds	
Internal service funds	<u>1,610,101</u>
Total	1,610,101

Sec. B.110 Libraries

Personal services	1,990,435
Operating expenses	1,157,389
Grants	<u>245,400</u>
Total	3,393,224
Source of funds	
General fund	2,062,056

Special funds	116,031
Federal funds	1,116,678
Interdepartmental transfers	<u>98,459</u>
Total	3,393,224
Sec. B.111 Tax - administration/collection	
Personal services	15,677,138
Operating expenses	<u>5,511,905</u>
Total	21,189,043
Source of funds	
General fund	19,475,589
Special funds	1,570,888
Interdepartmental transfers	<u>142,566</u>
Total	21,189,043
Sec. B.112 Buildings and general services - administration	
Personal services	684,803
Operating expenses	<u>90,379</u>
Total	775,182
Source of funds	
Interdepartmental transfers	<u>775,182</u>
Total	775,182
Sec. B.113 Buildings and general services - engineering	
Personal services	2,702,937
Operating expenses	<u>880,486</u>
Total	3,583,423
Source of funds	
Interdepartmental transfers	<u>3,583,423</u>
Total	3,583,423
Sec. B.114 Buildings and general services - information centers	
Personal services	3,482,685
Operating expenses	1,608,448
Grants	<u>35,750</u>
Total	5,126,883
Source of funds	
General fund	648,931
Transportation fund	4,019,636
Special funds	<u>458,316</u>
Total	5,126,883
Sec. B.115 Buildings and general services - purchasing	

Personal services	1,060,809
Operating expenses	<u>186,998</u>
Total	1,247,807
Source of funds	
General fund	<u>1,247,807</u>
Total	1,247,807
Sec. B.116 Buildings and general services - postal services	
Personal services	766,740
Operating expenses	<u>120,077</u>
Total	886,817
Source of funds	
General fund	85,063
Internal service funds	<u>801,754</u>
Total	886,817
Sec. B.117 Buildings and general services - copy center	
Personal services	797,852
Operating expenses	<u>137,298</u>
Total	935,150
Source of funds	
Internal service funds	<u>935,150</u>
Total	935,150
Sec. B.118 Buildings and general services - fleet management services	
Personal services	735,645
Operating expenses	<u>208,836</u>
Total	944,481
Source of funds	
Internal service funds	<u>944,481</u>
Total	944,481
Sec. B.119 Buildings and general services - federal surplus property	
Personal services	14,945
Operating expenses	<u>8,107</u>
Total	23,052
Source of funds	
Enterprise funds	<u>23,052</u>
Total	23,052
Sec. B.120 Buildings and general services - state surplus property	
Personal services	190,580
Operating expenses	<u>121,866</u>

Total	312,446
Source of funds	
Internal service funds	<u>312,446</u>
Total	312,446
Sec. B.121 Buildings and general services - property management	
Personal services	1,342,177
Operating expenses	<u>457,542</u>
Total	1,799,719
Source of funds	
Internal service funds	<u>1,799,719</u>
Total	1,799,719
Sec. B.122 Buildings and general services - fee for space	
Personal services	16,518,501
Operating expenses	<u>14,082,725</u>
Total	30,601,226
Source of funds	
Internal service funds	<u>30,601,226</u>
Total	30,601,226
Sec. B.124 Executive office - governor's office	
Personal services	1,372,645
Operating expenses	<u>472,437</u>
Total	1,845,082
Source of funds	
General fund	1,658,582
Interdepartmental transfers	<u>186,500</u>
Total	1,845,082
Sec. B.125 Legislative council	
Personal services	4,317,739
Operating expenses	<u>866,574</u>
Total	5,184,313
Source of funds	
General fund	<u>5,184,313</u>
Total	5,184,313
Sec. B.126 Legislature	
Personal services	4,234,740
Operating expenses	<u>3,884,632</u>
Total	8,119,372
Source of funds	

General fund	<u>8,119,372</u>
Total	8,119,372
Sec. B.127 Joint fiscal committee	
Personal services	1,858,779
Operating expenses	<u>164,274</u>
Total	2,023,053
Source of funds	
General fund	<u>2,023,053</u>
Total	2,023,053
Sec. B.128 Sergeant at arms	
Personal services	785,233
Operating expenses	<u>77,971</u>
Total	863,204
Source of funds	
General fund	<u>863,204</u>
Total	863,204
Sec. B.129 Lieutenant governor	
Personal services	231,651
Operating expenses	<u>31,482</u>
Total	263,133
Source of funds	
General fund	<u>263,133</u>
Total	263,133
Sec. B.130 Auditor of accounts	
Personal services	3,477,063
Operating expenses	<u>157,985</u>
Total	3,635,048
Source of funds	
General fund	404,513
Special funds	53,145
Internal service funds	<u>3,177,390</u>
Total	3,635,048
Sec. B.131 State treasurer	
Personal services	3,848,234
Operating expenses	<u>222,299</u>
Total	4,070,533
Source of funds	
General fund	981,483

Special funds	2,968,779
Interdepartmental transfers	<u>120,271</u>
Total	4,070,533
Sec. B.132 State treasurer - unclaimed property	
Personal services	808,784
Operating expenses	<u>316,917</u>
Total	1,125,701
Source of funds	
Private purpose trust funds	<u>1,125,701</u>
Total	1,125,701
Sec. B.133 Vermont state retirement system	
Personal services	5,363,103
Operating expenses	<u>1,425,321</u>
Total	6,788,424
Source of funds	
Pension trust funds	<u>6,788,424</u>
Total	6,788,424
Sec. B.134 Municipal employees' retirement system	
Personal services	2,035,007
Operating expenses	<u>881,001</u>
Total	2,916,008
Source of funds	
Pension trust funds	<u>2,916,008</u>
Total	2,916,008
Sec. B.135 State labor relations board	
Personal services	218,630
Operating expenses	<u>50,179</u>
Total	268,809
Source of funds	
General fund	259,233
Special funds	6,788
Interdepartmental transfers	<u>2,788</u>
Total	268,809
Sec. B.136 VOSHA review board	
Personal services	79,740
Operating expenses	<u>12,610</u>
Total	92,350
Source of funds	

General fund	46,175
Interdepartmental transfers	<u>46,175</u>
Total	92,350
Sec. B.136.1 Ethics Commission	
Personal services	102,584
Operating expenses	<u>18,259</u>
Total	120,843
Source of funds	
Internal service funds	<u>120,843</u>
Total	120,843
Sec. B.137 Homeowner rebate	
Grants	<u>16,600,000</u>
Total	16,600,000
Source of funds	
General fund	<u>16,600,000</u>
Total	16,600,000
Sec. B.138 Renter rebate	
Grants	<u>9,500,000</u>
Total	9,500,000
Source of funds	
General fund	<u>9,500,000</u>
Total	9,500,000
Sec. B.139 Tax department - reappraisal and listing payments	
Grants	<u>3,303,324</u>
Total	3,303,324
Source of funds	
General fund	<u>3,303,324</u>
Total	3,303,324
Sec. B.140 Municipal current use	
Grants	<u>16,603,039</u>
Total	16,603,039
Source of funds	
General fund	<u>16,603,039</u>
Total	16,603,039
Sec. B.141 Lottery commission	
Personal services	1,733,694
Operating expenses	1,381,440

Grants	<u>100,000</u>
Total	3,215,134
Source of funds	
Enterprise funds	<u>3,215,134</u>
Total	3,215,134
Sec. B.142 Payments in lieu of taxes	
Grants	<u>8,750,000</u>
Total	8,750,000
Source of funds	
Special funds	<u>8,750,000</u>
Total	8,750,000
Sec. B.143 Payments in lieu of taxes - Montpelier	
Grants	<u>184,000</u>
Total	184,000
Source of funds	
Special funds	<u>184,000</u>
Total	184,000
Sec. B.144 Payments in lieu of taxes - correctional facilities	
Grants	<u>40,000</u>
Total	40,000
Source of funds	
Special funds	<u>40,000</u>
Total	40,000
Sec. B.145 Total general government	
Source of funds	
General fund	93,659,436
Transportation fund	4,019,636
Special funds	14,959,116
Federal funds	1,116,678
Internal service funds	125,854,235
Interdepartmental transfers	7,215,255
Enterprise funds	3,238,186
Pension trust funds	9,704,432
Private purpose trust funds	<u>1,125,701</u>
Total	260,892,675
Sec. B.200 Attorney general	
Personal services	10,353,687
Operating expenses	1,523,368

Grants	<u>26,500</u>
Total	11,903,555
Source of funds	
General fund	5,433,266
Special funds	2,015,281
Tobacco fund	348,000
Federal funds	1,256,355
Interdepartmental transfers	<u>2,850,653</u>
Total	11,903,555
Sec. B.201 Vermont court diversion	
Personal services	3,025,189
Grants	<u>185,294</u>
Total	3,210,483
Source of funds	
General fund	2,770,486
Special funds	<u>439,997</u>
Total	3,210,483
Sec. B.202 Defender general - public defense	
Personal services	11,968,678
Operating expenses	<u>1,107,989</u>
Total	13,076,667
Source of funds	
General fund	12,487,014
Special funds	<u>589,653</u>
Total	13,076,667
Sec. B.203 Defender general - assigned counsel	
Personal services	5,825,842
Operating expenses	<u>49,819</u>
Total	5,875,661
Source of funds	
General fund	<u>5,875,661</u>
Total	5,875,661
Sec. B.204 Judiciary	
Personal services	42,135,783
Operating expenses	9,655,475
Grants	<u>121,030</u>
Total	51,912,288
Source of funds	
General fund	45,680,654

Special funds	3,248,649
Federal funds	887,586
Interdepartmental transfers	<u>2,095,399</u>
Total	51,912,288
Sec. B.205 State's attorneys	
Personal services	13,730,084
Operating expenses	<u>1,803,114</u>
Total	15,533,198
Source of funds	
General fund	12,714,313
Special funds	121,240
Federal funds	31,000
Interdepartmental transfers	<u>2,666,645</u>
Total	15,533,198
Sec. B.206 Special investigative unit	
Personal services	85,000
Operating expenses	1,100
Grants	<u>1,913,000</u>
Total	1,999,100
Source of funds	
General fund	<u>1,999,100</u>
Total	1,999,100
Sec. B.207 Sheriffs	
Personal services	4,245,584
Operating expenses	<u>415,279</u>
Total	4,660,863
Source of funds	
General fund	<u>4,660,863</u>
Total	4,660,863
Sec. B.208 Public safety - administration	
Personal services	3,686,993
Operating expenses	4,724,924
Grants	<u>200,000</u>
Total	8,611,917
Source of funds	
General fund	4,431,288
Special funds	175,000
Federal funds	441,300
Interdepartmental transfers	<u>3,564,329</u>

Total	8,611,917
Sec. B.209 Public safety - state police	
Personal services	56,917,271
Operating expenses	11,566,494
Grants	<u>1,302,805</u>
Total	69,786,570
Source of funds	
General fund	40,506,303
Transportation fund	20,250,000
Special funds	3,067,749
Federal funds	4,063,667
Interdepartmental transfers	<u>1,898,851</u>
Total	69,786,570
Sec. B.210 Public safety - criminal justice services	
Personal services	4,365,847
Operating expenses	<u>1,477,904</u>
Total	5,843,751
Source of funds	
General fund	3,147,212
Special funds	1,930,649
Federal funds	<u>765,890</u>
Total	5,843,751
Sec. B.211 Public safety - emergency management	
Personal services	2,764,385
Operating expenses	1,106,406
Grants	<u>5,111,905</u>
Total	8,982,696
Source of funds	
General fund	433,306
Special funds	230,000
Federal funds	<u>8,319,390</u>
Total	8,982,696
Sec. B.212 Public safety - fire safety	
Personal services	6,863,783
Operating expenses	3,383,347
Grants	<u>107,000</u>
Total	10,354,130
Source of funds	
General fund	477,905

Special funds	8,954,902
Federal funds	876,323
Interdepartmental transfers	<u>45,000</u>
Total	10,354,130
Sec. B.213 Public safety - Forensic Laboratory	
Personal services	3,097,286
Operating expenses	<u>1,134,268</u>
Total	4,231,554
Source of funds	
General fund	3,177,547
Special funds	78,555
Federal funds	414,702
Interdepartmental transfers	<u>560,750</u>
Total	4,231,554
Sec. B.215 Military - administration	
Personal services	767,401
Operating expenses	480,758
Grants	<u>1,426,718</u>
Total	2,674,877
Source of funds	
General fund	<u>2,674,877</u>
Total	2,674,877
Sec. B.216 Military - air service contract	
Personal services	6,024,812
Operating expenses	<u>937,929</u>
Total	6,962,741
Source of funds	
General fund	581,730
Federal funds	<u>6,381,011</u>
Total	6,962,741
Sec. B.217 Military - army service contract	
Personal services	8,692,642
Operating expenses	<u>6,093,050</u>
Total	14,785,692
Source of funds	
Federal funds	<u>14,785,692</u>
Total	14,785,692
Sec. B.218 Military - building maintenance	

Personal services	820,735
Operating expenses	<u>687,573</u>
Total	1,508,308
Source of funds	
General fund	1,448,308
Special funds	<u>60,000</u>
Total	1,508,308
Sec. B.219 Military - veterans' affairs	
Personal services	833,614
Operating expenses	173,955
Grants	<u>50,800</u>
Total	1,058,369
Source of funds	
General fund	811,151
Special funds	147,218
Federal funds	<u>100,000</u>
Total	1,058,369
Sec. B.220 Center for crime victim services	
Personal services	2,251,106
Operating expenses	756,995
Grants	<u>13,281,115</u>
Total	16,289,216
Source of funds	
General fund	1,264,158
Special funds	5,342,728
Federal funds	<u>9,682,330</u>
Total	16,289,216
Sec. B.221 Criminal justice training council	
Personal services	1,294,952
Operating expenses	<u>1,397,689</u>
Total	2,692,641
Source of funds	
General fund	2,488,016
Interdepartmental transfers	<u>204,625</u>
Total	2,692,641
Sec. B.222 Agriculture, food and markets - administration	
Personal services	1,475,369
Operating expenses	438,811
Grants	<u>210,972</u>

Total	2,125,152
Source of funds	
General fund	979,008
Special funds	714,922
Federal funds	<u>431,222</u>
Total	2,125,152
Sec. B.223 Agriculture, food and markets - food safety and consumer protection	
Personal services	4,296,689
Operating expenses	752,772
Grants	<u>2,750,000</u>
Total	7,799,461
Source of funds	
General fund	2,895,182
Special funds	3,644,093
Federal funds	1,253,186
Interdepartmental transfers	<u>7,000</u>
Total	7,799,461
Sec. B.224 Agriculture, food and markets - agricultural development	
Personal services	1,717,913
Operating expenses	1,080,763
Grants	<u>1,394,875</u>
Total	4,193,551
Source of funds	
General fund	2,100,030
Special funds	688,828
Federal funds	<u>1,404,693</u>
Total	4,193,551
Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship	
Personal services	2,446,869
Operating expenses	586,350
Grants	<u>223,334</u>
Total	3,256,553
Source of funds	
General fund	730,945
Special funds	1,816,068
Federal funds	454,022
Interdepartmental transfers	<u>255,518</u>

Total	3,256,553
Sec. B.225.1 Agriculture, food and markets - Vermont Agriculture and Environmental Lab	
Personal services	1,589,625
Operating expenses	<u>932,332</u>
Total	2,521,957
Source of funds	
General fund	921,265
Special funds	1,536,479
Interdepartmental transfers	<u>64,213</u>
Total	2,521,957
Sec. B.225.2 Agriculture, Food and Markets - Clean Water	
Personal services	2,909,421
Operating expenses	479,805
Grants	<u>1,707,000</u>
Total	5,096,226
Source of funds	
General fund	1,205,080
Special funds	3,410,618
Federal funds	93,097
Interdepartmental transfers	<u>387,431</u>
Total	5,096,226
Sec. B.226 Financial regulation - administration	
Personal services	1,949,236
Operating expenses	<u>467,013</u>
Total	2,416,249
Source of funds	
Special funds	<u>2,416,249</u>
Total	2,416,249
Sec. B.227 Financial regulation - banking	
Personal services	1,783,809
Operating expenses	<u>408,155</u>
Total	2,191,964
Source of funds	
Special funds	<u>2,191,964</u>
Total	2,191,964
Sec. B.228 Financial regulation - insurance	
Personal services	4,030,293

Operating expenses	<u>556,143</u>
Total	4,586,436
Source of funds	
Special funds	<u>4,586,436</u>
Total	4,586,436
Sec. B.229 Financial regulation - captive insurance	
Personal services	4,710,762
Operating expenses	<u>584,596</u>
Total	5,295,358
Source of funds	
Special funds	<u>5,295,358</u>
Total	5,295,358
Sec. B.230 Financial regulation - securities	
Personal services	949,284
Operating expenses	<u>234,192</u>
Total	1,183,476
Source of funds	
Special funds	<u>1,183,476</u>
Total	1,183,476
Sec. B.232 Secretary of state	
Personal services	10,521,639
Operating expenses	2,875,930
Grants	<u>150,000</u>
Total	13,547,569
Source of funds	
Special funds	11,394,045
Federal funds	<u>2,153,524</u>
Total	13,547,569
Sec. B.233 Public service - regulation and energy	
Personal services	10,723,409
Operating expenses	1,443,544
Grants	<u>2,767,237</u>
Total	14,934,190
Source of funds	
Special funds	13,407,207
Federal funds	532,983
ARRA funds	921,260
Interdepartmental transfers	50,000
Enterprise funds	<u>22,740</u>

Total	14,934,190
Sec. B.234 Public utility commission	
Personal services	3,285,568
Operating expenses	<u>471,932</u>
Total	3,757,500
Source of funds	
Special funds	<u>3,757,500</u>
Total	3,757,500
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	3,803,802
Operating expenses	388,612
Grants	<u>720,000</u>
Total	4,912,414
Source of funds	
Special funds	<u>4,912,414</u>
Total	4,912,414
Sec. B.236 Human rights commission	
Personal services	627,615
Operating expenses	<u>75,932</u>
Total	703,547
Source of funds	
General fund	628,256
Federal funds	<u>75,291</u>
Total	703,547
Sec. B.236.1 Liquor & Lottery Comm. Office	
Personal services	525,243
Operating expenses	<u>5,350</u>
Total	530,593
Source of funds	
Enterprise funds	<u>530,593</u>
Total	530,593
Sec. B.237 Liquor control - administration	
Personal services	2,743,126
Operating expenses	<u>1,120,841</u>
Total	3,863,967
Source of funds	
Enterprise funds	<u>3,863,967</u>
Total	3,863,967

Sec. B.238 Liquor control - enforcement and licensing

Personal services	2,238,782
Operating expenses	<u>453,153</u>
Total	2,691,935
Source of funds	
Tobacco fund	213,843
Federal funds	184,484
Interdepartmental transfers	5,000
Enterprise funds	<u>2,288,608</u>
Total	2,691,935

Sec. B.239 Liquor control - warehousing and distribution

Personal services	1,082,020
Operating expenses	<u>469,338</u>
Total	1,551,358
Source of funds	
Enterprise funds	<u>1,551,358</u>
Total	1,551,358

Sec. B.240 Total protection to persons and property

Source of funds	
General fund	162,522,924
Transportation fund	20,250,000
Special funds	87,357,278
Tobacco fund	561,843
Federal funds	54,587,748
ARRA funds	921,260
Interdepartmental transfers	14,655,414
Enterprise funds	<u>8,257,266</u>
Total	349,113,733

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	11,152,461
Operating expenses	6,805,654
Grants	<u>2,920,202</u>
Total	20,878,317
Source of funds	
General fund	7,775,309
Special funds	135,517
Federal funds	11,555,036
Global Commitment fund	453,000
Interdepartmental transfers	<u>959,455</u>

Total	20,878,317
Sec. B.301 Secretary's office - global commitment	
Operating expenses	3,150,212
Grants	<u>1,633,011,237</u>
Total	1,636,161,449
Source of funds	
General fund	562,727,602
Special funds	34,969,169
Tobacco fund	21,049,373
State health care resources fund	16,915,501
Federal funds	985,132,025
Interdepartmental transfers	<u>15,367,779</u>
Total	1,636,161,449
Sec. B.303 Developmental disabilities council	
Personal services	366,501
Operating expenses	94,962
Grants	<u>191,595</u>
Total	653,058
Source of funds	
Special funds	12,000
Federal funds	<u>641,058</u>
Total	653,058
Sec. B.304 Human services board	
Personal services	718,478
Operating expenses	<u>87,620</u>
Total	806,098
Source of funds	
General fund	451,554
Federal funds	332,018
Interdepartmental transfers	<u>22,526</u>
Total	806,098
Sec. B.305 AHS - administrative fund	
Personal services	350,000
Operating expenses	<u>10,150,000</u>
Total	10,500,000
Source of funds	
Interdepartmental transfers	<u>10,500,000</u>
Total	10,500,000

Sec. B.306 Department of Vermont health access - administration

Personal services	134,603,806
Operating expenses	29,905,859
Grants	<u>7,314,723</u>
Total	171,824,388
Source of funds	
General fund	29,222,317
Special funds	6,096,108
Federal funds	124,749,165
Global Commitment fund	4,214,196
Interdepartmental transfers	<u>7,542,602</u>
Total	171,824,388

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Personal services	547,983
Grants	<u>738,383,660</u>
Total	738,931,643
Source of funds	
Global Commitment fund	<u>738,931,643</u>
Total	738,931,643

Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver

Grants	<u>213,712,634</u>
Total	213,712,634
Source of funds	
Global Commitment fund	<u>213,712,634</u>
Total	213,712,634

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>49,211,558</u>
Total	49,211,558
Source of funds	
General fund	37,605,920
Global Commitment fund	<u>11,605,638</u>
Total	49,211,558

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>32,435,074</u>
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Total	32,435,074
Source of funds	
General fund	11,425,047
Federal funds	<u>21,010,027</u>
Total	32,435,074
Sec. B.311 Health - administration and support	
Personal services	5,464,580
Operating expenses	5,852,063
Grants	<u>4,040,881</u>
Total	15,357,524
Source of funds	
General fund	2,867,817
Special funds	1,824,499
Federal funds	7,063,414
Global Commitment fund	3,510,576
Interdepartmental transfers	<u>91,218</u>
Total	15,357,524
Sec. B.312 Health - public health	
Personal services	44,859,249
Operating expenses	8,623,418
Grants	<u>36,469,334</u>
Total	89,952,001
Source of funds	
General fund	10,159,167
Special funds	18,230,647
Tobacco fund	1,088,918
Federal funds	46,234,807
Global Commitment fund	13,068,355
Interdepartmental transfers	1,145,107
Permanent trust funds	<u>25,000</u>
Total	89,952,001
Sec. B.313 Health - alcohol and drug abuse programs	
Personal services	4,363,807
Operating expenses	255,634
Grants	<u>51,538,398</u>
Total	56,157,839
Source of funds	
General fund	1,946,686
Special funds	1,170,177

Tobacco fund	949,917
Federal funds	17,574,970
Global Commitment fund	<u>34,516,089</u>
Total	56,157,839

Sec. B.314 Mental health - mental health

Personal services	32,082,652
Operating expenses	4,434,083
Grants	<u>235,668,505</u>
Total	272,185,240
Source of funds	
General fund	7,694,909
Special funds	1,184,904
Federal funds	9,132,390
Global Commitment fund	254,099,789
Interdepartmental transfers	<u>73,248</u>
Total	272,185,240

Sec. B.316 Department for children and families - administration & support services

Personal services	41,156,642
Operating expenses	11,526,385
Grants	<u>1,342,620</u>
Total	54,025,647
Source of funds	
General fund	25,200,417
Special funds	2,706,557
Federal funds	23,918,495
Global Commitment fund	1,981,083
Interdepartmental transfers	<u>219,095</u>
Total	54,025,647

Sec. B.317 Department for children and families - family services

Personal services	38,125,454
Operating expenses	4,931,546
Grants	<u>78,289,704</u>
Total	121,346,704
Source of funds	
General fund	44,468,327
Special funds	877,587
Federal funds	27,412,577
Global Commitment fund	48,476,324

Interdepartmental transfers	<u>111,889</u>
Total	121,346,704
Sec. B.318 Department for children and families - child development	
Personal services	4,718,950
Operating expenses	850,728
Grants	<u>78,657,975</u>
Total	84,227,653
Source of funds	
General fund	38,122,315
Special funds	1,820,000
Federal funds	33,144,045
Global Commitment fund	11,118,793
Interdepartmental transfers	<u>22,500</u>
Total	84,227,653
Sec. B.319 Department for children and families - office of child support	
Personal services	10,805,408
Operating expenses	<u>3,679,303</u>
Total	14,484,711
Source of funds	
General fund	4,306,156
Special funds	455,719
Federal funds	9,335,236
Interdepartmental transfers	<u>387,600</u>
Total	14,484,711
Sec. B.320 Department for children and families - aid to aged, blind and disabled	
Personal services	2,252,206
Grants	<u>10,298,023</u>
Total	12,550,229
Source of funds	
General fund	8,649,899
Global Commitment fund	<u>3,900,330</u>
Total	12,550,229
Sec. B.321 Department for children and families - general assistance	
Personal services	15,000
Grants	<u>6,912,360</u>
Total	6,927,360
Source of funds	
General fund	6,530,025

Federal funds	111,320
Global Commitment fund	<u>286,015</u>
Total	6,927,360
Sec. B.322 Department for children and families - 3SquaresVT	
Grants	<u>29,827,906</u>
Total	29,827,906
Source of funds	
Federal funds	<u>29,827,906</u>
Total	29,827,906
Sec. B.323 Department for children and families - reach up	
Operating expenses	51,517
Grants	<u>33,039,481</u>
Total	33,090,998
Source of funds	
General fund	6,873,872
Special funds	21,079,984
Federal funds	2,455,524
Global Commitment fund	<u>2,681,618</u>
Total	33,090,998
Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP	
Grants	<u>16,019,953</u>
Total	16,019,953
Source of funds	
Special funds	1,259,217
Federal funds	<u>14,760,736</u>
Total	16,019,953
Sec. B.325 Department for children and families - office of economic opportunity	
Personal services	522,340
Operating expenses	43,673
Grants	<u>9,809,823</u>
Total	10,375,836
Source of funds	
General fund	5,065,004
Special funds	57,990
Federal funds	4,423,154
Global Commitment fund	<u>829,688</u>
Total	10,375,836

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	326,525
Operating expenses	44,525
Grants	<u>12,038,018</u>
Total	12,409,068
Source of funds	
Special funds	7,812,978
Federal funds	<u>4,596,090</u>
Total	12,409,068

Sec. B.327 Department for children and families - Woodside rehabilitation center

Personal services	5,099,274
Operating expenses	<u>715,868</u>
Total	5,815,142
Source of funds	
General fund	5,718,142
Interdepartmental transfers	<u>97,000</u>
Total	5,815,142

Sec. B.328 Department for children and families - disability determination services

Personal services	6,276,032
Operating expenses	<u>419,984</u>
Total	6,696,016
Source of funds	
General fund	107,003
Federal funds	<u>6,589,013</u>
Total	6,696,016

Sec. B.329 Disabilities, aging, and independent living - administration & support

Personal services	32,686,936
Operating expenses	<u>5,723,801</u>
Total	38,410,737
Source of funds	
General fund	17,097,670
Special funds	1,390,457
Federal funds	18,856,326
Interdepartmental transfers	<u>1,066,284</u>
Total	38,410,737

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>19,611,505</u>
Total	19,611,505
Source of funds	
General fund	7,623,375
Federal funds	7,148,466
Global Commitment fund	<u>4,839,664</u>
Total	19,611,505

Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired

Grants	<u>1,661,457</u>
Total	1,661,457
Source of funds	
General fund	389,154
Special funds	223,450
Federal funds	743,853
Global Commitment fund	<u>305,000</u>
Total	1,661,457

Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation

Grants	<u>7,024,368</u>
Total	7,024,368
Source of funds	
General fund	1,371,845
Federal funds	4,402,523
Interdepartmental transfers	<u>1,250,000</u>
Total	7,024,368

Sec. B.333 Disabilities, aging, and independent living - developmental services

Grants	<u>232,315,311</u>
Total	232,315,311
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	231,739,866
Interdepartmental transfers	<u>45,000</u>
Total	232,315,311

Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver

Grants	<u>5,788,057</u>
Total	5,788,057
Source of funds	
Global Commitment fund	<u>5,788,057</u>
Total	5,788,057

Sec. B.335 Corrections - administration

Personal services	3,108,496
Operating expenses	<u>238,644</u>
Total	3,347,140
Source of funds	
General fund	<u>3,347,140</u>
Total	3,347,140

Sec. B.336 Corrections - parole board

Personal services	333,919
Operating expenses	<u>81,081</u>
Total	415,000
Source of funds	
General fund	<u>415,000</u>
Total	415,000

Sec. B.337 Corrections - correctional education

Personal services	3,366,460
Operating expenses	<u>244,932</u>
Total	3,611,392
Source of funds	
General fund	3,462,608
Interdepartmental transfers	<u>148,784</u>
Total	3,611,392

Sec. B.338 Corrections - correctional services

Personal services	113,866,882
Operating expenses	21,526,975
Grants	<u>8,474,287</u>
Total	143,868,144
Source of funds	
General fund	137,048,955
Special funds	929,963
Federal funds	479,209

Global Commitment fund	5,013,702
Interdepartmental transfers	<u>396,315</u>
Total	143,868,144
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	<u>6,226,759</u>
Total	6,226,759
Source of funds	
General fund	<u>6,226,759</u>
Total	6,226,759
Sec. B.340 Corrections - correctional facilities - recreation	
Personal services	391,140
Operating expenses	<u>455,845</u>
Total	846,985
Source of funds	
Special funds	<u>846,985</u>
Total	846,985
Sec. B.341 Corrections - Vermont offender work program	
Personal services	1,509,826
Operating expenses	<u>525,784</u>
Total	2,035,610
Source of funds	
Internal service funds	<u>2,035,610</u>
Total	2,035,610
Sec. B.342 Vermont veterans' home - care and support services	
Personal services	20,371,013
Operating expenses	<u>5,019,422</u>
Total	25,390,435
Source of funds	
General fund	345,783
Special funds	15,990,205
Federal funds	<u>9,054,447</u>
Total	25,390,435
Sec. B.343 Commission on women	
Personal services	333,046
Operating expenses	<u>60,085</u>
Total	393,131
Source of funds	
General fund	390,631

Special funds	<u>2,500</u>
Total	393,131
Sec. B.344 Retired senior volunteer program	
Grants	<u>151,096</u>
Total	151,096
Source of funds	
General fund	<u>151,096</u>
Total	151,096
Sec. B.345 Green Mountain Care Board	
Personal services	7,620,589
Operating expenses	<u>360,199</u>
Total	7,980,788
Source of funds	
General fund	3,192,315
Special funds	<u>4,788,473</u>
Total	7,980,788
Sec. B.346 Total human services	
Source of funds	
General fund	998,134,944
Special funds	124,340,549
Tobacco fund	23,088,208
State health care resources fund	16,915,501
Federal funds	1,421,043,687
Global Commitment fund	1,591,072,060
Internal service funds	2,035,610
Interdepartmental transfers	39,446,402
Permanent trust funds	<u>25,000</u>
Total	4,216,101,961
Sec. B.400 Labor - programs	
Personal services	29,542,710
Operating expenses	10,454,244
Grants	<u>4,575,300</u>
Total	44,572,254
Source of funds	
General fund	4,569,407
Special funds	7,049,772
Federal funds	31,540,700
Interdepartmental transfers	<u>1,412,375</u>
Total	44,572,254

Sec. B.401 Total labor

Source of funds	
General fund	4,569,407
Special funds	7,049,772
Federal funds	31,540,700
Interdepartmental transfers	<u>1,412,375</u>
Total	44,572,254

Sec. B.500 Education - finance and administration

Personal services	6,596,440
Operating expenses	4,295,315
Grants	<u>14,270,700</u>
Total	25,162,455
Source of funds	
General fund	3,747,829
Special funds	15,218,303
Education fund	3,367,483
Federal funds	2,199,952
Global Commitment fund	260,000
Interdepartmental transfers	<u>368,888</u>
Total	25,162,455

Sec. B.501 Education - education services

Personal services	18,270,055
Operating expenses	1,405,450
Grants	<u>119,396,536</u>
Total	139,072,041
Source of funds	
General fund	6,384,982
Special funds	3,414,114
Tobacco fund	750,388
Federal funds	<u>128,522,557</u>
Total	139,072,041

Sec. B.502 Education - special education: formula grants

Grants	<u>212,956,000</u>
Total	212,956,000
Source of funds	
Education fund	<u>212,956,000</u>
Total	212,956,000

Sec. B.503 Education - state-placed students

Grants	<u>18,000,000</u>
Total	18,000,000
Source of funds	
Education fund	<u>18,000,000</u>
Total	18,000,000
Sec. B.504 Education - adult education and literacy	
Grants	<u>4,371,050</u>
Total	4,371,050
Source of funds	
General fund	3,605,000
Federal funds	<u>766,050</u>
Total	4,371,050
Sec. B.504.1 Education - Flexible Pathways	
Grants	<u>8,599,000</u>
Total	8,599,000
Source of funds	
General fund	0
Education fund	<u>8,599,000</u>
Total	8,599,000
Sec. B.505 Education - adjusted education payment	
Grants	<u>1,426,100,000</u>
Total	1,426,100,000
Source of funds	
Education fund	<u>1,426,100,000</u>
Total	1,426,100,000
Sec. B.506 Education - transportation	
Grants	<u>19,800,000</u>
Total	19,800,000
Source of funds	
Education fund	<u>19,800,000</u>
Total	19,800,000
Sec. B.507 Education - small school grants	
Grants	<u>8,400,000</u>
Total	8,400,000
Source of funds	
Education fund	<u>8,400,000</u>
Total	8,400,000

Sec. B.510 Education - essential early education grant

Grants	<u>6,808,000</u>
Total	6,808,000
Source of funds	
Education fund	<u>6,808,000</u>
Total	6,808,000

Sec. B.511 Education - technical education

Grants	<u>14,150,000</u>
Total	14,150,000
Source of funds	
Education fund	<u>14,150,000</u>
Total	14,150,000

Sec. B.511.1 State Board of Education

Personal services	25,000
Operating expenses	<u>55,845</u>
Total	80,845
Source of funds	
General fund	<u>80,845</u>
Total	80,845

Sec. B.514 State teachers' retirement system

Grants	<u>120,247,389</u>
Total	120,247,389
Source of funds	
General fund	113,466,168
Education fund	<u>6,781,221</u>
Total	120,247,389

Sec. B.514.1 State teachers' retirement system administration

Personal services	5,305,211
Operating expenses	<u>1,673,583</u>
Total	6,978,794
Source of funds	
Pension trust funds	<u>6,978,794</u>
Total	6,978,794

Sec. B.515 Retired teachers' health care and medical benefits

Grants	<u>31,067,652</u>
Total	31,067,652
Source of funds	

General fund	<u>31,067,652</u>
Total	31,067,652
Sec. B.516 Total general education	
Source of funds	
General fund	158,352,476
Special funds	18,632,417
Tobacco fund	750,388
Education fund	1,724,961,704
Federal funds	131,488,559
Global Commitment fund	260,000
Interdepartmental transfers	368,888
Pension trust funds	<u>6,978,794</u>
Total	2,041,793,226
Sec. B.600 University of Vermont	
Grants	<u>42,509,093</u>
Total	42,509,093
Source of funds	
General fund	40,485,359
Global Commitment fund	<u>2,023,734</u>
Total	42,509,093
Sec. B.602 Vermont state colleges	
Grants	<u>29,800,464</u>
Total	29,800,464
Source of funds	
General fund	<u>29,800,464</u>
Total	29,800,464
Sec. B.602.1 Vermont state colleges - Supplemental Aid	
Grants	<u>700,000</u>
Total	700,000
Source of funds	
General fund	<u>700,000</u>
Total	700,000
Sec. B.603 Vermont state colleges - allied health	
Grants	<u>1,157,775</u>
Total	1,157,775
Source of funds	
General fund	748,314
Global Commitment fund	<u>409,461</u>

Total	1,157,775
Sec. B.605 Vermont student assistance corporation	
Grants	<u>19,978,588</u>
Total	19,978,588
Source of funds	
General fund	<u>19,978,588</u>
Total	19,978,588
Sec. B.606 New England higher education compact	
Grants	<u>84,000</u>
Total	84,000
Source of funds	
General fund	<u>84,000</u>
Total	84,000
Sec. B.607 University of Vermont - Morgan Horse Farm	
Grants	<u>1</u>
Total	1
Source of funds	
General fund	<u>1</u>
Total	1
Sec. B.608 Total higher education	
Source of funds	
General fund	91,796,726
Global Commitment fund	<u>2,433,195</u>
Total	94,229,921
Sec. B.700 Natural resources - agency of natural resources - administration	
Personal services	2,302,597
Operating expenses	1,079,841
Grants	<u>19,960</u>
Total	3,402,398
Source of funds	
General fund	2,720,669
Special funds	581,818
Interdepartmental transfers	<u>99,911</u>
Total	3,402,398
Sec. B.701 Natural resources - state land local property tax assessment	
Operating expenses	<u>2,561,955</u>
Total	2,561,955

Source of funds	
General fund	2,140,455
Interdepartmental transfers	<u>421,500</u>
Total	2,561,955
Sec. B.702 Fish and wildlife - support and field services	
Personal services	17,628,262
Operating expenses	5,704,905
Grants	<u>1,068,313</u>
Total	24,401,480
Source of funds	
General fund	6,088,870
Special funds	166,892
Fish and wildlife fund	9,236,567
Federal funds	8,789,226
Interdepartmental transfers	<u>119,925</u>
Total	24,401,480
Sec. B.703 Forests, parks and recreation - administration	
Personal services	957,931
Operating expenses	<u>994,054</u>
Total	1,951,985
Source of funds	
General fund	<u>1,951,985</u>
Total	1,951,985
Sec. B.704 Forests, parks and recreation - forestry	
Personal services	5,879,782
Operating expenses	796,027
Grants	<u>459,000</u>
Total	7,134,809
Source of funds	
General fund	4,873,880
Special funds	412,999
Federal funds	1,487,097
Interdepartmental transfers	<u>360,833</u>
Total	7,134,809
Sec. B.705 Forests, parks and recreation - state parks	
Personal services	8,900,714
Operating expenses	<u>2,563,470</u>
Total	11,464,184
Source of funds	

General fund	292,679
Special funds	11,111,505
Permanent trust funds	<u>60,000</u>
Total	11,464,184
Sec. B.706 Forests, parks and recreation - lands administration and recreation	
Personal services	1,346,739
Operating expenses	1,384,647
Grants	<u>2,600,914</u>
Total	5,332,300
Source of funds	
General fund	853,114
Special funds	2,020,151
Federal funds	2,336,535
Interdepartmental transfers	<u>122,500</u>
Total	5,332,300
Sec. B.708 Forests, parks and recreation - forest and parks access roads	
Personal services	65,425
Operating expenses	<u>114,500</u>
Total	179,925
Source of funds	
General fund	<u>179,925</u>
Total	179,925
Sec. B.709 Environmental conservation - management and support services	
Personal services	6,617,612
Operating expenses	3,781,860
Grants	<u>150,000</u>
Total	10,549,472
Source of funds	
General fund	1,451,231
Special funds	572,936
Federal funds	809,608
Interdepartmental transfers	<u>7,715,697</u>
Total	10,549,472
Sec. B.710 Environmental conservation - air and waste management	
Personal services	19,437,340
Operating expenses	8,660,985
Grants	<u>5,076,000</u>
Total	33,174,325
Source of funds	

General fund	424,736
Special funds	22,886,187
Federal funds	9,613,852
Interdepartmental transfers	<u>249,550</u>
Total	33,174,325
Sec. B.711 Environmental conservation - office of water programs	
Personal services	21,732,819
Operating expenses	6,821,783
Grants	<u>26,784,881</u>
Total	55,339,483
Source of funds	
General fund	7,994,351
Special funds	14,321,195
Federal funds	31,935,599
Interdepartmental transfers	<u>1,088,338</u>
Total	55,339,483
Sec. B.713 Natural resources board	
Personal services	2,752,876
Operating expenses	<u>530,151</u>
Total	3,283,027
Source of funds	
General fund	637,074
Special funds	<u>2,645,953</u>
Total	3,283,027
Sec. B.714 Total natural resources	
Source of funds	
General fund	29,608,969
Special funds	54,719,636
Fish and wildlife fund	9,236,567
Federal funds	54,971,917
Interdepartmental transfers	10,178,254
Permanent trust funds	<u>60,000</u>
Total	158,775,343
Sec. B.800 Commerce and community development - agency of commerce and community development - administration	
Personal services	2,013,794
Operating expenses	1,331,369
Grants	<u>552,627</u>
Total	3,897,790

Source of funds	
General fund	3,877,790
Interdepartmental transfers	<u>20,000</u>
Total	3,897,790
Sec. B.801 Economic development	
Personal services	4,027,032
Operating expenses	1,102,979
Grants	<u>5,011,099</u>
Total	10,141,110
Source of funds	
General fund	4,742,394
Special funds	1,645,350
Federal funds	3,708,366
Interdepartmental transfers	<u>45,000</u>
Total	10,141,110
Sec. B.802 Housing & community development	
Personal services	3,723,802
Operating expenses	779,039
Grants	<u>11,773,050</u>
Total	16,275,891
Source of funds	
General fund	2,753,913
Special funds	5,185,233
Federal funds	7,883,744
Interdepartmental transfers	<u>453,001</u>
Total	16,275,891
Sec. B.806 Tourism and marketing	
Personal services	1,321,226
Operating expenses	1,644,599
Grants	<u>121,880</u>
Total	3,087,705
Source of funds	
General fund	3,083,118
Interdepartmental transfers	<u>4,587</u>
Total	3,087,705
Sec. B.808 Vermont council on the arts	
Grants	<u>718,589</u>
Total	718,589
Source of funds	

General fund	<u>718,589</u>
Total	718,589
Sec. B.809 Vermont symphony orchestra	
Grants	<u>141,214</u>
Total	141,214
Source of funds	
General fund	<u>141,214</u>
Total	141,214
Sec. B.810 Vermont historical society	
Grants	<u>984,956</u>
Total	984,956
Source of funds	
General fund	<u>984,956</u>
Total	984,956
Sec. B.811 Vermont housing and conservation board	
Grants	<u>30,886,467</u>
Total	30,886,467
Source of funds	
Special funds	11,900,243
Federal funds	<u>18,986,224</u>
Total	30,886,467
Sec. B.812 Vermont humanities council	
Grants	<u>217,959</u>
Total	217,959
Source of funds	
General fund	<u>217,959</u>
Total	217,959
Sec. B.813 Total commerce and community development	
Source of funds	
General fund	16,519,933
Special funds	18,730,826
Federal funds	30,578,334
Interdepartmental transfers	<u>522,588</u>
Total	66,351,681
Sec. B.900 Transportation - finance and administration	
Personal services	12,544,062
Operating expenses	2,898,007

Grants	<u>55,000</u>
Total	15,497,069
Source of funds	
Transportation fund	14,625,869
Federal funds	<u>871,200</u>
Total	15,497,069
Sec. B.901 Transportation - aviation	
Personal services	3,714,895
Operating expenses	5,298,065
Grants	<u>231,676</u>
Total	9,244,636
Source of funds	
Transportation fund	4,749,136
Federal funds	<u>4,495,500</u>
Total	9,244,636
Sec. B.902 Transportation - buildings	
Operating expenses	<u>907,746</u>
Total	907,746
Source of funds	
Transportation fund	<u>907,746</u>
Total	907,746
Sec. B.903 Transportation - program development	
Personal services	53,367,048
Operating expenses	217,771,750
Grants	<u>27,258,553</u>
Total	298,397,351
Source of funds	
Transportation fund	41,049,563
TIB fund	11,835,572
Federal funds	245,117,997
Interdepartmental transfers	191,790
Local match	<u>202,429</u>
Total	298,397,351
Sec. B.904 Transportation - rest areas construction	
Personal services	40,000
Operating expenses	<u>639,706</u>
Total	679,706
Source of funds	
Transportation fund	99,280

Federal funds	<u>580,426</u>
Total	679,706
Sec. B.905 Transportation - maintenance state system	
Personal services	45,218,248
Operating expenses	48,330,691
Grants	<u>365,000</u>
Total	93,913,939
Source of funds	
Transportation fund	91,036,152
Federal funds	2,777,787
Interdepartmental transfers	<u>100,000</u>
Total	93,913,939
Sec. B.906 Transportation - policy and planning	
Personal services	4,281,699
Operating expenses	894,939
Grants	<u>6,015,583</u>
Total	11,192,221
Source of funds	
Transportation fund	2,921,480
Federal funds	8,238,741
Interdepartmental transfers	<u>32,000</u>
Total	11,192,221
Sec. B.907 Transportation - rail	
Personal services	5,252,055
Operating expenses	<u>29,683,296</u>
Total	34,935,351
Source of funds	
Transportation fund	18,237,032
TIB fund	760,000
Federal funds	15,019,569
Interdepartmental transfers	<u>918,750</u>
Total	34,935,351
Sec. B.908 Transportation - public transit	
Personal services	1,526,070
Operating expenses	165,372
Grants	<u>32,132,957</u>
Total	33,824,399
Source of funds	
Transportation fund	8,056,111

Federal funds	<u>25,768,288</u>
Total	33,824,399
Sec. B.909 Transportation - central garage	
Personal services	4,530,648
Operating expenses	<u>15,581,390</u>
Total	20,112,038
Source of funds	
Internal service funds	<u>20,112,038</u>
Total	20,112,038
Sec. B.910 Department of motor vehicles	
Personal services	21,561,929
Operating expenses	<u>11,588,772</u>
Total	33,150,701
Source of funds	
Transportation fund	31,657,492
Federal funds	1,345,934
Interdepartmental transfers	<u>147,275</u>
Total	33,150,701
Sec. B.911 Transportation - town highway structures	
Grants	<u>6,333,500</u>
Total	6,333,500
Source of funds	
Transportation fund	<u>6,333,500</u>
Total	6,333,500
Sec. B.912 Transportation - town highway local technical assistance program	
Personal services	357,757
Operating expenses	<u>48,550</u>
Total	406,307
Source of funds	
Transportation fund	106,307
Federal funds	<u>300,000</u>
Total	406,307
Sec. B.913 Transportation - town highway class 2 roadway	
Grants	<u>7,648,750</u>
Total	7,648,750
Source of funds	
Transportation fund	<u>7,648,750</u>
Total	7,648,750

Sec. B.914 Transportation - town highway bridges

Personal services	3,239,423
Operating expenses	10,143,100
Grants	<u>451,328</u>
Total	13,833,851
Source of funds	
Transportation fund	1,304,648
TIB fund	701,815
Federal funds	10,887,721
Local match	<u>939,667</u>
Total	13,833,851

Sec. B.915 Transportation - town highway aid program

Grants	<u>25,982,744</u>
Total	25,982,744
Source of funds	
Transportation fund	<u>25,982,744</u>
Total	25,982,744

Sec. B.916 Transportation - town highway class 1 supplemental grants

Grants	<u>128,750</u>
Total	128,750
Source of funds	
Transportation fund	<u>128,750</u>
Total	128,750

Sec. B.917 Transportation - town highway: state aid for nonfederal disasters

Grants	<u>1,150,000</u>
Total	1,150,000
Source of funds	
Transportation fund	<u>1,150,000</u>
Total	1,150,000

Sec. B.918 Transportation - town highway: state aid for federal disasters

Grants	<u>180,000</u>
Total	180,000
Source of funds	
Transportation fund	20,000
Federal funds	<u>160,000</u>
Total	180,000

Sec. B.919 Transportation - municipal mitigation assistance program

Operating expenses	204,000
Grants	<u>2,904,416</u>
Total	3,108,416
Source of funds	
Transportation fund	1,680,416
Special funds	0
Federal funds	<u>1,428,000</u>
Total	3,108,416
Sec. B.920 Transportation - public assistance grant program	
Operating expenses	500,000
Grants	<u>3,640,000</u>
Total	4,140,000
Source of funds	
Transportation fund	100,000
Special funds	640,000
Federal funds	3,000,000
Interdepartmental transfers	<u>400,000</u>
Total	4,140,000
Sec. B.921 Transportation board	
Personal services	246,347
Operating expenses	<u>35,844</u>
Total	282,191
Source of funds	
Transportation fund	<u>282,191</u>
Total	282,191
Sec. B.922 Total transportation	
Source of funds	
Transportation fund	258,077,167
TIB fund	13,297,387
Special funds	640,000
Federal funds	319,991,163
Internal service funds	20,112,038
Interdepartmental transfers	1,789,815
Local match	<u>1,142,096</u>
Total	615,049,666
Sec. B.1000 Debt service	
Operating expenses	<u>82,765,729</u>
Total	82,765,729

Source of funds	
General fund	78,638,324
Transportation fund	560,231
ARRA funds	1,069,511
TIB debt service fund	<u>2,497,663</u>
Total	82,765,729

Sec. B.1001 Total debt service

Source of funds	
General fund	78,638,324
Transportation fund	560,231
ARRA funds	1,069,511
TIB debt service fund	<u>2,497,663</u>
Total	82,765,729

Sec. B.1100 [Deleted.]

Sec. B.1100.1 [Deleted.]

Sec. B.1101 FISCAL YEAR 2020 ONE-TIME APPROPRIATIONS

(a) In fiscal year 2020, funds are appropriated from the General Fund as follows:

(1) To the State Treasurer: \$65,000 for a pension group membership study.

(2) To the Vermont Student Assistance Corporation: \$500,000 to be administered in a manner that is consistent with both the existing advancement grants program and the one-time nature of this appropriation.

(3) To the Department for Children and Families, Office of Economic Opportunity: \$100,000 for pass-through grants to the Community Action Agencies to provide funding for the regional Microbusiness Development Programs pursuant to 3 V.S.A. § 3722.

(4) To the Department for Children and Families: \$1,000,000 for grants to the Parent Child Centers for infrastructure improvements.

(5) To the Department of Mental Health: \$60,000 for a grant to the Copeland Center for peer support services.

(6) To the Agency of Agriculture, Food and Markets: \$75,000 for a grant to the Vermont Housing and Conservation Board for federal rural development grant writing assistance in fiscal year 2020.

(7) To the Agency of Agriculture, Food and Markets: \$150,000 for grants to be awarded through Vermont Working Lands program.

(8) To the Agency of Agriculture, Food and Markets: \$50,000 for mosquito control.

(9) To the Agency of Agriculture, Food and Markets: \$50,000 for Farm to School nutrition initiatives.

(10) To the Department of Forests, Parks and Recreation: \$100,000 for supplemental funding for the Vermont Outdoor Recreation Economic Collaborative grants awarded in fiscal year 2020.

(11) To the Vermont State Colleges: \$200,000 for Vermont Technical College to design and pilot a minimum of three Associates Degree Programs to be delivered at a minimum of three technical centers in Vermont. Year one of the Associates Degree is to be concurrent with a student's senior year of high school, so that the Associates Degree can be earned the subsequent year. Design work includes seeking appropriate approvals from accreditors.

(12) To the Department for Children and Families: \$1,000,000 to the Child Development Division to begin implementation of the plan established pursuant to Sec. E.318.4 of this act regarding information systems.

(13) To the Department of Children and Families: \$350,000 to the Child Development Division for the following:

(A) \$50,000 to facilitate the implementation of the Council for Professional Regulation's Child Development Associate Credential curriculum in technical centers throughout the State. Any unused funds appropriated pursuant to this section shall be reserved to fund grants set forth in 33 V.S.A. § 3516 for students who completed the Child Development Associate Credential at a Vermont technical center.

(B) \$300,000 for grants for incentivizing child care professionals consistent with 33 V.S.A. § 3516.

(14) To the Department for Children and Families, Woodside Rehabilitation Center: \$200,000 for costs associated with transitioning from a treatment facility to a detention facility.

(15) To the Department of Health, Alcohol and Drug Abuse Programs: \$200,000 for a pilot program to provide transportation services to support and recovery and treatment programs for clients who are opioid addicted. The Department shall establish participation requirements for clients who are eligible for transportation services under this pilot.

(16) To the Department of Disabilities, Aging and Independent Living: \$750,000. These funds shall be matched with federal Medicaid funds and expended in equal amounts over fiscal years 2020 through 2022. In each year these funds shall be for the statewide administration of the Support and

Services at Home (SASH) program. The intent is for this portion of statewide administration funding to transition to the statewide ACO as additional Medicare covered lives are attributed to the ACO during this three-year period. These funds are in addition to other funding included in the Department's budget for SASH. The Department shall include a report on the SASH statewide administration with the fiscal year 2021 budget presentation.

(17) To the Legislature: \$20,000 to hire consultant services for upgrades to the legislature's software program's appointment data base.

(18) To the Department for Children and Families, Office of Economic Opportunity, Weatherization Assistance: \$1,000,000.

(19) To the Vermont State Colleges: \$120,000 for the purpose of housing academic records of students who attended Burlington College prior to its ceasing operations. These records shall be made available to students and other relevant parties who require transcripts or other pertinent information.

(20) To the Department of Forests, Parks and Recreation: \$120,000 for logger safety and value-added forest products initiatives as follows:

(A) To support the costs of a request for proposal to develop a least three course curriculums and associated training materials for an accident prevention and safety training program for logging contractors.

(B) A grant to the Vermont Logger Education to Advance Professionalism (LEAP) program for the purpose of providing financial assistance to logging contractors to reduce the total costs of logger safety training or continuing education in logger safety. Financial assistance from the LEAP program shall be in the form of grants.

(C) To provide grant funds of up to \$10,000 to applicants engaged in adding value to forest products within the State. These grants shall be used by the applicant to pay for expenses associated with State and local permit application costs, project consultation costs, engineering and siting costs, and expert witness analysis and testimony necessary for permitting.

(21) To the Agency of Commerce and Community Development: \$25,000 to issue as a grant for the commissioning ceremony of the USS Vermont.

(22) To the Agency of Commerce and Community Development: \$115,000 for grants to no less than four regional economic development organizations.

(23) To the Agency of Commerce and Community Development: \$2,000,000 to fund the economic development initiatives specified in legislation enacted during the 2019 legislative session.

(24) To the Vermont Council on the Arts: \$5,000 to provide matching funds from the National Endowment for the Arts.

Sec. B.1102 [Deleted.]

Sec. B.1103 [Deleted.]

Sec. C.100 FISCAL YEAR 2019 ONE-TIME APPROPRIATIONS

(a) In fiscal year 2019, funds are appropriated from the General Fund as follows:

(1) To the Agency of Digital Services: \$500,000 of which \$200,000 is allocated for network device upgrades to enhance network safety and \$300,000 is allocated for a network assessment.

(2) To the Department of Buildings and General Services: \$500,000 for the purpose of installing electric vehicle charging stations at State facilities and to support the purchase of fully electric vehicles for the State motor pool.

(3) To the Department for Children and Families: \$500,000 to fund LIHEAP administration for one year as the Department transitions to lower cost methods for administering this program. The Department shall evaluate the allocation methodology of the program and whether it is being administered efficiently.

(4) To the Agency of Human Services: \$2,000,000 to fund grants for the development of an electronic medical/health records system for the State's Designated Agency system.

(A) Vermont Care Partners and the Agency of Human Services shall present a plan for review and approval by the Joint Fiscal Committee at its July 2019 meeting. The plan shall summarize the development and implementation of the system and demonstrate that this project will support the goals set forth in the State-wide Health Information Technology (HIT) Plan (defined in 18 V.S.A. § 9351) and meet, at a minimum, the connectivity requirements set forth in the State-wide HIT plan and the requirements of the Centers for Medicaid Services (CMS). The plan shall support current payment reform initiatives and include the projected project timeline and total budget including the allocation of this appropriation. No funds shall be released prior to review and approval by the Joint Fiscal Committee.

(5) To the Vermont Housing and Conservation Board: \$500,000 for acquisition of land that is of Statewide importance.

(6) To the Department of Labor: \$70,000 to design a coordinated plan for an integrated postsecondary career and technical education system and to provide services and support for New Americans pursuant to requirements enacted during the 2019 legislative session.

(7) To the Department for Children and Families, Office of Economic Opportunity, Weatherization Assistance: \$300,000.

(b) In fiscal year 2019, funds are appropriated from fund number 21638 the AG-Fees & Reimbursements-Court Order Fund as follows:

(1) To the Attorney General: \$250,000. This appropriation shall carry forward for use in fiscal year 2020.

(2) To the Agency of Transportation: \$1,700,000 for an Electric Vehicle purchase or lease incentive program.

(c) In fiscal year 2019, \$400,000 funds are appropriated from fund number 21912 the Evidence Based Education Manufacturing Fund to the Department of Health for the Substance Misuse Prevention Advisory Council. A portion of these funds may be used for analysis and planning including an inventory of direct substance misuse prevention funding currently allocated in the State budget. The remaining funds shall be used to implement the comprehensive State-wide substance misuse prevention plan developed by the Council.

Sec. C.101 FISCAL YEAR 2019 ONE-TIME FUND TRANSFER

(a) In fiscal year 2019, funds are transferred from the General Fund as follows:

(1) \$948,271 to the Emergency Relief and Assistance Fund, established in 20 V.S.A. § 45(c).

Sec. C.102 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. D.101 as amended by Sec. 56 of H.532 of 2019, is further amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

* * *

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2019:

* * *

(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred from the following funds to the General Fund in fiscal year 2019. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will

not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

21638	AG-Fees & Reimbursements-Court Order	2,000,000.00	<u>4,488,000.00</u>
21928	Secretary of State Services Fund		2,607,923.00
62100	Unclaimed Property Fund		2,978,680.00

* * *

Sec. C.103 FISCAL YEAR 2019 TOBACCO LITIGATION SETTLEMENT
FUND TRANSFER AND YEAR END BALANCE

(a) Notwithstanding 18 V.S.A. chapter 225, \$1,500,000 is transferred from the Tobacco Litigation Settlement Fund to the General Fund in fiscal year 2019.

(b) Notwithstanding 18 V.S.A. § 9502(b), the actual balances at the end of fiscal year 2019 in the Tobacco Litigation Settlement Fund established by 32 V.S.A. § 435a shall remain in the Fund.

Sec. C.104 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.125 is amended to read:

Sec. B.125 Legislative council

Personal services	4,063,930	4,168,930
Operating expenses	<u>827,857</u>	<u>827,857</u>
Total	4,891,787	4,996,787
Source of funds		
General fund	<u>4,891,787</u>	<u>4,996,787</u>
Total	4,891,787	4,996,787

Sec. C.105 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.126 is amended to read:

Sec. B.126 Legislature

Personal services	4,091,578	3,921,578
Operating expenses	<u>3,809,338</u>	<u>3,809,338</u>
Total	7,900,916	7,730,916
Source of funds		
General fund	<u>7,900,916</u>	<u>7,730,916</u>
Total	7,900,916	7,730,916

Sec. C.106 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.127 is amended to read:

Sec. B.127 Joint fiscal committee

Personal services	<u>1,696,568</u>	1,746,568
Operating expenses	<u>159,358</u>	<u>159,358</u>
Total	<u>1,855,926</u>	1,905,926
Source of funds		
General fund	<u>1,855,926</u>	<u>1,905,926</u>
Total	<u>1,855,926</u>	1,905,926

Sec. C.107 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.128 is amended to read:

Sec. B.128 Sergeant at arms

Personal services	<u>737,216</u>	752,216
Operating expenses	<u>68,612</u>	<u>68,612</u>
Total	<u>805,828</u>	820,828
Source of funds		
General fund	<u>805,828</u>	<u>820,828</u>
Total	<u>805,828</u>	820,828

Sec. C.108 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.503 is amended to read:

Sec. B.503 Education - state-placed students

Grants	<u>15,700,000</u>	<u>20,400,000</u>
Total	<u>15,700,000</u>	20,400,000
Source of funds		
Education fund	<u>15,700,000</u>	<u>20,400,000</u>
Total	<u>15,700,000</u>	20,400,000

Sec. C.109 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.516 as amended by 2019 Acts and Resolves No. 6, Sec. 40 is further amended to read:

Sec. 40. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds

General fund	136,968,810	136,968,810
Special funds	19,483,091	19,483,091
Tobacco fund	750,388	750,388
Education fund	<u>1,650,519,334</u>	<u>1,655,219,334</u>
Federal funds	138,281,079	138,281,079
Global Commitment fund	260,000	260,000
Interdepartmental transfers	4,204,714	4,204,714
Pension trust funds	<u>7,781,379</u>	<u>7,781,379</u>
Total	<u>1,958,248,795</u>	1,962,948,748

Sec. C. 110 2018 (Sp. Session) Acts and Resolves No. 11, Sec. B. 514 is amended to read:

Sec. B.514 State teachers' retirement system

Grants	<u>99,940,777</u>	<u>100,440,777</u>
Total	<u>99,940,777</u>	<u>100,440,777</u>
Source of funds		
General fund	<u>92,241,519</u>	<u>92,741,519</u>
Education fund	<u>7,699,258</u>	<u>7,699,258</u>
Total	<u>99,940,777</u>	<u>100,440,777</u>

Sec. C. 111 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.515 is amended to read:

Sec. B.515 Retired teachers' health care and medical benefits

Grants	<u>31,639,205</u>	<u>31,139,205</u>
Total	<u>31,639,205</u>	<u>31,139,205</u>
Source of funds		
General fund	<u>31,639,205</u>	<u>31,139,205</u>
Total	<u>31,639,205</u>	<u>31,139,205</u>

Sec. C.112 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.514 is amended to read:

Sec. E.514 State teachers' retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers' Retirement System (STRS) shall be \$105,640,777 of which ~~\$99,940,777~~ \$100,440,777 shall be the State's contribution and ~~\$5,700,000~~ \$5,200,000 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

* * *

Sec. C.113 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.515 is amended to read:

Sec. E.515 Retired teachers' health care and medical benefits

(a) In accordance with 16 V.S.A. § 1944b(b)(2), ~~\$31,639,205~~ \$31,139,205 will be contributed to the Retired Teachers' Health and Medical Benefits Fund.

Sec. C.114 2017 Acts and Resolves No. 69, Sec. C.1 is amended to read:

Sec. C.1. THE GREEN MOUNTAIN SECURE RETIREMENT PLAN

(a) The State of Vermont shall, consistent with federal law and regulation, ~~adopt design,~~ and implement a voluntary ~~Multiple Employer Plan (MEP)~~ ERISA-covered public retirement plan, employing a multiple employer plan or

aggregated single employer plans, which shall remain in compliance with federal law and regulations once implemented, and shall be called the “Green Mountain Secure Retirement Plan.”

* * *

(c) The Plan shall:

* * *

(2) automatically enroll all employees of employers that choose to participate ~~in the MEP~~;

(3) allow employees the option of withdrawing their enrollment and ending their participation ~~in the MEP~~;

* * *

~~(d) The State of Vermont shall implement the “Green Mountain Secure Retirement Plan” on or before January 15, 2019, based on the recommendations of the Public Retirement Plan Study Committee as set forth in 2016 Acts and Resolves No. 157, Sec. F.1.~~

Sec. C.115 SPECIAL FUND APPROPRIATION FOR TAX COMPUTER SYSTEMS

(a) In fiscal year 2019 \$10,000,000 is appropriated to the Department of Taxes from the Tax Computer System Modernization Special Fund established pursuant to 2007 Acts and Resolves No. 65, Sec. 282, as amended by 2011 Acts and Resolves No. 63, Sec. C.103, as amended by 2013 Acts and Resolves No. 1, Sec. 65, as amended by 2014 Acts and Resolves No. 95, Sec. 62, as amended by 2018 Acts and Resolves No. 87, Sec. 47, as amended by 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.111.1, and as further amended by 2019 Acts and Resolves No. 6, Sec. 102. This appropriation shall carry forward through fiscal year 2022.

Sec. C.116 2019 Acts and Resolves No. 6, Sec. 88 is amended to read:

Sec. 88. FISCAL YEAR 2019 ONE-TIME APPROPRIATIONS AND TRANSFERS FROM THE GENERAL FUND

(a) The following appropriations are made from the General Fund in fiscal year 2019:

* * *

(6) To the Joint Fiscal Office: \$275,000 to be allocated as follows for the following studies that will be comprehensively defined in the fiscal year 2020 budget process:

(A) ~~\$250,000 to be reserved to fund contracted for~~ research and findings to identify and examine the factors contributing to Vermont's high rate of children entering the custody of the State. Such research shall study the preventive and upstream services and interventions provided to families and the extent to which these supports to families have demonstrated effectiveness in allowing children to remain with their families. Policy recommendations resulting from this research are intended to inform funding decisions regarding these services to ensure the safety of Vermont's vulnerable children and to enhance the long-term stability and well-being of these families.

(i) The Joint Fiscal Office is authorized to enter into a direct contract with the University of Vermont in lieu of a bid process. In the event that such a contract takes place, the payments shall be made in intervals of: twenty-five percent(25%) upon signing; thirty percent (30%) to be paid after approval of a final work plan by the Chairs of the House and Senate Committees on Appropriations, the House Committee on Human Services, and the Senate Committee on Health and Welfare Committee; thirty percent (30%) on agreed upon mid-contract term project status report or presentation; and fifteen percent (15%) upon report completion and presentation to the Legislature on or before January 30, 2020.

(ii) The Agency of Human Services and the Department for Children and Families shall execute memoranda and provide data in a timely fashion and in a manner consistent with any federal requirements as needed for this research project.

(B) ~~\$25,000 to be reserved to fund contracted services~~ a direct contract with the Council of State Governments Justice Center for research and findings related to:

(i) Vermont's population of incarcerated women, including the types of offenses for which this population is incarcerated and alternatives to incarceration available to this population to assist the State in its planning for correctional facilities; and

(ii) the detention population of the Department of Corrections (DOC) and policy recommendations to reduce this population and/or reduce the need for DOC in-state bed capacity for this population. The report shall be submitted to the General Assembly on or before December 15, 2019.

* * *

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues.

(1) The sum of \$518,000 is appropriated from the Current Use Administration Special Fund to the Department of Taxes for administration of the Use Tax Reimbursement Program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$518,000 from the property transfer tax that are deposited into the Current Use Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$10,804,840 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board (VHCB). Notwithstanding 10 V.S.A. § 312, amounts above \$10,804,840 from the property transfer tax and surcharge established by 32 V.S.A. § 9602a that are deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(A) The dedication of \$2,500,000 in revenue from the property transfer tax pursuant to 32 V.S.A. § 9610(d) for the debt payments on the affordable housing bond (10 V.S.A. § 314) is to be offset by the reduction of \$1,500,000 in the appropriation to the VHCB and \$1,000,000 from the surcharge established by 32 V.S.A. § 9602a. The fiscal year 2020 appropriation of \$10,804,840 to VHCB reflects the \$1,500,000 reduction. The affordable housing bond and related property transfer tax and surcharge provisions are repealed after the life of the bond on July 1, 2039. Once the bond is retired, the \$1,500,000 reduction in the appropriation to VHCB is intended to be restored.

(3) The sum of \$3,760,599 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,760,599 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$3,760,599 shall be allocated as follows:

(A) \$2,924,417 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$457,482 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b);

(C) \$378,700 to the Agency of Digital Services for the Vermont Center for Geographic Information established in 10 V.S.A. § 122.

Sec. D.101 FUND TRANSFERS AND REVERSIONS

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

(1) From the Clean Water Fund established by 10 V.S.A. § 1388 to the following:

(A) Agricultural Water Quality Special Fund created under 6 V.S.A. § 4803: \$1,845,000.

(B) Lake in Crisis Response Program Fund created under 10 V.S.A. § 1315: \$50,000.

(2) From the Transportation Fund to the Downtown Transportation and Related Capital Improvement Fund established by 24 V.S.A. § 2796 to be used by the Vermont Downtown Development Board for the purposes of the Fund: \$423,966.

(3) From the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 11f to the Transportation Infrastructure Bonds Debt Service Fund established by 32 V.S.A. § 951a for funding fiscal year 2021 transportation infrastructure bonds debt service: \$2,502,613.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2020:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>6,474,593.00</u>
<u>50300</u>	<u>Liquor Control Fund</u>	<u>1,805,000.00</u>
<u>62100</u>	<u>Unclaimed Property Fund</u>	<u>1,305,143.00</u>
	<u>Caledonia Fair</u>	<u>5,000.00</u>
	<u>North Country Hospital Loan</u>	<u>24,250.00</u>

(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred from the following funds to the General Fund in fiscal year 2020. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

<u>21638</u>	<u>AG-Fees & Reimbursements-Court Order</u>	<u>2,000,000.00</u>
<u>21928</u>	<u>Secretary of State Services Fund</u>	<u>2,032,817.00</u>

(3) In fiscal year 2020, notwithstanding 2016 Acts and Resolves No. 172, Sec. E.228, \$29,955,763 of the unencumbered balances in the Insurance Regulatory and Supervision Fund (Fund Number 21075), the Captive Insurance Regulatory and Supervision Fund (Fund Number 21085), and the Securities Regulatory and Supervision Fund (Fund Number 21080) shall be transferred to the General Fund.

(c) Notwithstanding any provisions of law to the contrary, in fiscal year 2020:

(1) The following amounts shall revert to the General Funds from the accounts indicated:

<u>1210001000</u>	<u>Legislative Council</u>	<u>75,000.00</u>
<u>1210002000</u>	<u>Legislature</u>	<u>175,000.00</u>
<u>1220000000</u>	<u>Joint Fiscal Office</u>	<u>30,000.00</u>

Sec. D.101.1 [Deleted.]

Sec. D.102 [Deleted.]

Sec. D.103 [Deleted.]

Sec. D.104 32 V.S.A. § 308b(c) is amended to read:

(c) The Human Services Caseload Reserve shall contain two sub-accounts:

(1) A sub-account for incurred but not reported Medicaid expenses. Each year beginning with fiscal year 2020, the Department of Finance and Management shall adjust the amount reserved for incurred but not reported Medicaid expenses to equal the amount specified in the most recently completed Comprehensive Annual Financial Report ~~as of June 30th of the prior fiscal year~~ for the estimated amount of incurred but not reported Medicaid expenses associated with the current Medicaid Global Commitment waiver.

* * * GENERAL GOVERNMENT * * *

Sec. E.100 EXECUTIVE BRANCH POSITION AUTHORIZATIONS

(a) The establishment of the following permanent classified positions is authorized in fiscal year 2020:

(1) In the Department for Children and Families' Family Services Division – thirteen (3) Family Services Worker, two (2) Family Services Supervisor, three (3) Resource Coordinator, and one (1) Assistant Attorney General to fill the position of a staff attorney.

(2) In the Department of Disabilities, Aging and Independent Living – one (1) Director of Deaf, Hard of Hearing, and DeafBlind Services.

(b) The positions established in this subdivision shall be transferred and converted from existing vacant positions in the Executive Branch and shall not increase the total number of authorized State positions, as defined in Sec. A.107 of this act.

Sec. E.100.1 REPORT; REACH UP CASE MANAGEMENT REDUCTION

IN FORCE (RIF)

(a) The Secretary of Administration shall provide a written report to the Joint Fiscal Committee on or before November 1, 2019 on the status of the RIF resulting from reduced need for case management services in the Reach Up program and the concurrent reduction in funding to the Department for Children and Families in fiscal year 2020. The report shall include information on whether individuals impacted were hired into other state positions, retired, or separated from State employment.

Sec. E.101 [Deleted.]

Sec. E.106 [Deleted.]

Sec. E.111 Tax – administration/collection

(a) Of this appropriation, \$15,000 is from the Current Use Administration Special Fund established by 32 V.S.A. § 9610(c) and shall be appropriated for programming changes to the CAPTAP software used by municipalities for establishing property values and administering their grand lists.

Sec. E.112 [Deleted.]

Sec. E.113 Buildings and general services – engineering

(a) The \$3,583,423 interdepartmental transfer in this appropriation shall be from the fiscal year 2020 General Bond Fund appropriation in the Capital Bill of the 2019 legislative session.

Sec. E.124 32 V.S.A. § 306 is amended to read:

§ 306. BUDGET REPORT

(a) The Governor shall submit to the General Assembly, not later than the third Tuesday of every annual session, a budget which shall embody his or her estimates, requests, and recommendations for appropriations or other authorizations for expenditures from the State Treasury. In the first year of the biennium, the budget shall relate to the two succeeding fiscal years. In the second year of the biennium, it shall relate to the succeeding fiscal year. The budget shall be based upon the official State revenue estimates, including the Medicaid estimated caseloads and per-member per-month expenditures, adopted by the Emergency Board pursuant to section 305a of this title.

(1) ~~The Governor shall~~ As part of the budget report, the Governor shall:

(A) ~~develop and publish annually for public review as part of the budget report~~ develop and publish annually for public review as part of the budget report a current services budget, providing the public with an estimate of what the current level of services is projected to cost in the next fiscal year-;

(B) provide an estimated cost of deferred infrastructure maintenance in the State's transportation system; and

(C) itemize current services liabilities, including the total obligations and the amount estimated for full funding in the current year in which an amortization schedule exists. These shall include the following liabilities projected for the start of the budget fiscal year:

(i) pension liabilities for the Vermont State Employees' Retirement System (VSERS) and the Vermont State Teachers' Retirement System (VSTRS), and other postemployment benefit liabilities under current law and relevant Government Accounting Standards Board standards for these systems;

(ii) child care fee scale funding requirements pursuant to 33 V.S.A. §3512 to bring total year funding to current market rates and current federal poverty levels;

(iii) Reach Up funding full benefit obligations, including the standard of need for the current fiscal year, prior to any rateable reductions made pursuant to 33 V.S.A. §1103(a), which ensure that the expenditures for the programs shall not exceed appropriations;

(iv) statutory funding levels from the Property Transfer Tax pursuant to 32 V.S.A. § 9610;

(v) projected fund liabilities of the funds identified in the "Notes" section of the most recent Comprehensive Annual Financial Report (CAFR), including the Workers' Compensation Fund, the State Liability Insurance Fund, the Medical Insurance Fund, and the Dental Insurance Fund; and

(vi) a summary of other nonmajor enterprise funds and internal service funds where deficits exist in excess of \$1,500,000.

(2) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

* * *

Sec. E.126 2 V.S.A. chapter 14 is added to read:

CHAPTER 14. JOINT LEGISLATIVE MANAGEMENT COMMITTEE

§ 451. CREATION OF COMMITTEE: PURPOSE

(a) Creation. There is created the Joint Legislative Management Committee. The Committee shall provide general oversight and management across the offices of the General Assembly, and administrative services to the legislative offices and the legislature.

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

(1) four members of the House, which shall include representatives of the Legislative Council Committee, the Joint Fiscal Committee, and the Rules Committee, and shall consist of:

(A) the Speaker of the House; and

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

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

(A) the President Pro Tempore; and

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

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

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

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

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

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

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

Sec. E.126.1 JOINT LEGISLATIVE MANAGEMENT COMMITTEE;
INITIAL DUTIES IN 2019

(a) The Joint Legislative Management Committee, established pursuant to 2 V.S.A. § 451, shall consider and recommend the most appropriate organization, structure, and oversight of the staff and staff offices of the General Assembly. The Committee shall:

(1) Consider the recommendations contained in the National Conference of State Legislatures (NCSL) "Vermont General Assembly Legislative Branch Workforce Comparative Evaluation" March 2019 report.

(2) Consult with and consider the recommendations of:

(A) the Joint Fiscal Committee;

(B) the Legislative Council Committee;

(C) the Legislative Information Technology Committee;

(D) the Joint Rules Committee;

(E) the Chief Fiscal Officer, Director and Chief Counsel, House Clerk, Senate Secretary, and Sergeant at Arms;

(F) supervisors and employees of every staff office as the Committee deems appropriate;

(G) members of the General Assembly as the Committee deems appropriate; and

(H) any other person the Committee deems appropriate.

(b) Report. On or before December 15, 2019, the Committee shall submit to the General Assembly a written report setting forth detailed recommendations concerning the most appropriate organization, structure, and oversight of the staff and staff offices of the General Assembly.

(c) The report shall contain draft statutory language and draft budgetary changes necessary to implement the recommendations set forth in the Committee's report.

(d) Assistance. In carrying out the duties set forth in this section, the Committee shall have the assistance and support of the Joint Fiscal Office, the Office of Legislative Council, and the Sergeant at Arms.

Sec. E.126.2 LEGISLATIVE BRANCH POSITIONS

(a) Legislature: The establishment of two (2) new permanent exempt Legislative Staff positions are authorized within the legislature in fiscal year

2020. The position titles will be determined by the Joint Legislative Management Committee.

(b) Joint Fiscal Office: The establishment of one (1) new permanent exempt Administrative Research Assistant position is authorized within the legislative Joint Fiscal Office in fiscal year 2020.

Sec. E.126.3 JOINT LEGISLATIVE JUSTICE OVERSIGHT
COMMITTEE; 2019 LEGISLATIVE INTERIM

(a) During the 2019 legislative interim, the Joint Legislative Justice Oversight Committee shall consider the following criminal justice reform strategies as part of an effort which will be called Justice Reinvestment II. These policies should be pursued in order to create a smarter criminal justice system that prevents avoidable incarceration, returns people to communities without risking public safety, and reduces or eliminates the need for out-of-state prison placements or new prison bed capacity in Vermont:

(1) furlough reform, including the possible elimination of furlough;

(2) management of the detainee population;

(3) sentencing reforms, including the possible elimination of weekend and nighttime sentences, and the elimination of work crew in favor of restorative justice;

(4) expansion of restorative justice and diversion programs;

(5) establishment of new transitional housing facilities to reintegrate offenders into the community;

(6) establishment of new treatment-centered facilities as an alternative to incarceration for certain drug and DUI offenses;

(7) parole reform, including presumptive parole; and

(8) the release of non-violent women offenders for whom community-based treatment and services would be more appropriate.

(b) The Committee should utilize the expertise of the Justice Center of the Council on State Governments to the maximum extent possible, and shall report any recommendations in the form of proposed legislation to the General Assembly on or before December 15, 2019.

Sec. E.127 2 V.S.A. § 501(a) is amended to read:

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

* * *

Sec. E.127.1 2 V.S.A. § 503 is amended to read:

§ 503. FUNCTIONS

* * *

(b) The Joint Fiscal Committee shall:

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

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

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

* * *

Sec. E.127.2 32 V.S.A. § 5 is amended to read:

§ 5. ACCEPTANCE OF GRANTS

(a) ~~No Definitions.~~ As used in this section:

(1) “Loan” means a loan that is interest free or below market value.

(2) “State agency” means an Executive Branch agency, department, commission, or board.

(b) Executive Branch approval.

(1) Approval required. A State agency shall not accept the original of any grant, gift, loan, or any sum of money, or thing of value ~~may be accepted by any agency, department, commission, board, or other part of State government~~ except as follows:

(A) the State agency is granted approval pursuant to this subsection;
or

(B) Joint Fiscal Committee policies adopted pursuant to subsection (e) of this section do not require a State agency to obtain approval.

(2) Governor review.

~~(1) All such items must be submitted to the~~ The Governor who shall review each grant, gift, loan, or any sum of money, or thing of value and shall send a copy of the approval or rejection to the Joint Fiscal Committee through

the Joint Fiscal Office together with the following information with respect to said these items:

- (A) the source of the ~~grant, gift, or loan~~ and value;
- (B) the legal and referenced ~~titles of the grant,~~ title, in the case of a grant;
- (C) the costs, direct and indirect, for the present and future years ~~related to such a grant~~;
- (D) the receiving department ~~and/or program which will utilize the grant, or both~~;
- (E) a brief statement of purpose; and
- (F) any impact on existing programs if ~~grant there is not accepted a rejection.~~

~~(2)~~(3) Legislative review.

(A) The Governor's approval in subdivision (b)(2) of this section shall be final ~~unless~~ except as follows:

(i) When the General Assembly is not in session, within 30 days of receipt of such information the copy of an approval and related information required under subdivision (b)(2) of this section, a member of the Joint Fiscal Committee requests such grant, gift, loan, sum of money, or thing of value be placed on the Committee's agenda of the Joint Fiscal Committee; or,

(ii) when the General Assembly is in session, within 30 days of receipt of the copy of an approval and related information required under subdivision (b)(2) of this section, a member of the Committee requests that such grant, gift, loan, sum of money, or thing of value be held for legislative approval. If a copy of an approval and related information is received when the General Assembly is in session, but before the members of the Joint Fiscal Committee are appointed, one of the statutorily appointed members of the Committee may request to hold a grant for legislative approval. Legislative approval under this subdivision may be granted by legislation or resolution.

(B) In the event of such a request to hold a grant made pursuant to subdivision (3) of this subsection, the grant shall not be accepted until approved by the Joint Fiscal Committee or the Legislature General Assembly.

(C) The 30-day period described in subdivision (3)(A)(i) of this subsection may be reduced where expedited consideration is warranted in accordance with adopted Joint Fiscal Committee policies adopted pursuant to subsection (e) of this section.

~~(D) During the legislative session~~ Upon receipt of the copy of an approval and related information required under subdivision (b)(2) of this section while the General Assembly is in session, the Joint Fiscal Committee shall promptly file a notice with the House and Senate Clerks for publication in the respective calendars of any grant approval requests that are submitted by the administration.

~~(3)~~(4) Exceptions.

(A) General. This ~~The~~ review and approval process set forth in subsection (b) of this section shall not apply to the following items, ~~if the acceptance of those items will not incur additional expense to the State or create an ongoing requirement for funds, services, or facilities:~~

(i) ~~the acceptance of grants, gifts, donations, loans, sums of money, or other things of value with a value of \$5,000.00 \$15,000.00 or less, if the acceptance of those items will not incur additional expense to the State or create an ongoing requirement for funds, services, or facilities; or~~

(ii) ~~the acceptance by the Department of Forests, Parks and Recreation and the Department of Fish and Wildlife of grants, gifts, donations, loans, or other things of value with a value of \$15,000.00 or less; or~~

(iii) ~~the acceptance by the Vermont Veterans' Home of grants, gifts, donations, loans, or other things of value with a value of \$10,000.00 or less a legal settlement.~~

(B)(i) Notification required. The receiving agency shall promptly notify the Secretary of Administration and Joint Fiscal Office ~~shall be promptly notified of the source, value, and purpose of any items received under this subdivision; provided, however, that no notification is required for an item received under this subdivision with a value of less than \$1,500.00.~~

(ii) The Joint Fiscal Office shall report all such items received under this subdivision to the Joint Fiscal Committee quarterly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

~~(4)~~(5) Transportation. With respect to acceptance of the original of a federal transportation earmark or of a discretionary federal grant for a transportation project, the provisions of ~~subdivisions~~ subdivision (1) ~~and (2)~~ of this subsection shall apply, except that in addition:

(A) notification of the Governor's approval or rejection shall also be made to the Chairs of the House and Senate Committees on Transportation; and

(B) such grant or earmark shall be placed on the agenda, and shall be

subject to the approval, of a committee comprising the Joint Fiscal Committee and the Chairs of the House and Senate Committees on Transportation, if one of the Chairs or a member of the Joint Fiscal Committee so requests.

(c) Legislative and Judicial Branch approval.

(1) Approval required. The Legislative and Judicial Branches shall not accept the original of any grant, gift, loan, or any sum of money, or thing of value except as follows:

(A) approval is granted pursuant to the process set forth in subdivision (b)(3) of this section if the item received has a value of more than \$15,000; and

(B) notification is sent to the Joint Fiscal Committee and the Secretary of Administration of the source, value, and purpose of the item received if the item has a value of \$1,500.00 or more.

(2) Exceptions. The review process set forth in subdivision (b)(2) of this section shall not apply to the approval of any grant, gift, loan, or any sum of money, or thing of value received by the Legislative or Judicial Branches.

~~(b)(d) In accordance with subsection (a) of this section, Limited service position. The Joint Fiscal Committee is authorized to approve a limited service position request in conjunction with a grant, a limited service position request for a if the position is explicitly stated for a specific purpose in the grant, may be authorized and the position request is approved pursuant to the process set forth in subsection (b) of this section. The position shall terminate with the expiration of the grant funding unless otherwise funded by an act of the General Assembly. Such authorized A limited service positions position request shall not be created until the appointing authority has certified include a certification from the appointing authority to the Joint Fiscal Committee that there exists equipment and housing for the positions position or that funds are available to purchase equipment and housing for the positions position.~~

(e) Policies. The Joint Fiscal Committee is authorized to adopt policies to implement this section, including a policy on expedited review by the Joint Fiscal Committee when the General Assembly is not in session.

Sec. E.131 10 V.S.A. § 9 is amended to read:

§ 9. INVESTMENT IN VERMONT COMMUNITY LOAN FUND

Notwithstanding any provision of 32 V.S.A. § 433(a) to the contrary, the State Treasurer is authorized to invest up to ~~\$1,000,000.00~~ \$1,500,000.00 of short-term operating or restricted funds in the Vermont Community Loan Fund on terms acceptable to the Treasurer and consistent with prudent investment principles and guidelines pursuant to 32 V.S.A. § 433(b)-(c).

Sec. E.133 Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2020, investment fees shall be paid from the corpus of the Fund.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the appropriation in Sec. B.139 of this act, \$9,000 shall be transferred to the Attorney General and \$70,000 shall be transferred to the Department of Taxes, Division of Property Valuation and Review and reserved and used with any remaining funds from the amount previously transferred for final payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. and its successor Great River Hydro, LLC in the State of Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Sec. E.142 Payments in lieu of taxes

(a) This appropriation is for State payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, and the payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act. Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.143 Payments in lieu of taxes – Montpelier

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.144 Payments in lieu of taxes – correctional facilities

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

* * * PROTECTION TO PERSONS AND PROPERTY * * *

Sec. E.200 Attorney general

(a) Notwithstanding any other provisions of law, the Office of the Attorney General, Medicaid Fraud and Residential Abuse Unit, is authorized to retain, subject to appropriation, one-half of the State share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the State share of restitution to the Medicaid Program. All such designated additional recoveries retained shall be used to finance Medicaid Fraud and Residential Abuse Unit activities.

(b) Of the revenue available to the Attorney General under 9 V.S.A.

§ 2458(b)(4), \$1,390,500 is appropriated in Sec. B.200 of this act.

Sec. E.204 RUTLAND ADULT TREATMENT COURT DOCKET;
FUNDING

(a) In the event the Rutland Adult Treatment Court program does not achieve an average minimum of 20 participants per month during the months of July-December of 2019, General Fund funding of the program shall cease effective January 1, 2020.

Sec. E.208 Public safety – administration

(a) The Commissioner of Public Safety is authorized to enter into a performance-based contract with the Essex County Sheriff's Department to provide law enforcement service activities agreed upon by both the Commissioner of Public Safety and the Sheriff.

Sec. E.208.1 SCHOOL SAFETY AND SECURITY GRANT PROGRAM;
ADDISON-RUTLAND SUPERVISORY UNION

(a) The Department of Public Safety shall use \$82,000 of the amount appropriated in Sec. 13 of the fiscal year 2020 Capital Construction and State Bonding Act for the School Safety and Security Grant Program to reimburse capital eligible expenses paid by the Addison-Rutland Supervisory Union to implement safety and security measures at schools within the district.

Sec. E.209 Public safety – state police

(a) Of this appropriation, \$35,000 in special funds shall be available for snowmobile law enforcement activities and \$35,000 in general funds shall be available to the Southern Vermont Wilderness Search and Rescue Team, which comprises State Police, the Department of Fish and Wildlife, county sheriffs, and local law enforcement personnel in Bennington, Windham, and Windsor Counties, for snowmobile enforcement.

(b) Of this appropriation, \$405,000 is allocated for grants in support of the Drug Task Force. Of this amount, \$190,000 shall be used by the Vermont Drug Task Force to fund three town task force officers. These town task force officers shall be dedicated to enforcement efforts with respect to both regulated drugs as defined in 18 V.S.A. § 4201(29) and the diversion of legal prescription drugs. Any unobligated funds may be allocated by the Commissioner to fund the work of the Drug Task Force or carried forward.

Sec. E.212 Public safety – fire safety

(a) Of this General Fund appropriation, \$55,000 shall be granted to the Vermont Rural Fire Protection Task Force for the purpose of designing dry hydrants.

Sec. E.215 Military – administration

(a) The amount of \$1,426,718 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard Educational Assistance program established in 16 V.S.A. § 2856 and the National Guard Tuition Benefit Program established in 16 V.S.A. § 2857.

Sec. E.219 Military – veterans’ affairs

(a) Of this appropriation, \$1,000 shall be used for continuation of the Vermont Medal Program; \$4,800 shall be used for the expenses of the Governor’s Veterans’ Advisory Council; \$7,500 shall be used for the Veterans’ Day parade; \$5,000 shall be used for the Military, Family, and Community Network; and \$10,000 shall be granted to the American Legion for the Boys’ State and Girls’ State programs.

Sec. E.219.1 EXPOSURE TO BURN PIT; OUTREACH AND EDUCATION

(a) The Adjutant General and the Military Department, the Commissioners of Health and Vermont Department of Health ,and the Office of Veterans’ Affairs shall prepare outreach and education materials concerning exposure to burn pits and the importance of participating in the U.S. Department of Veterans’ Affairs Airborne Hazards and Open Burn Pit Registry. Each department is authorized to allocate resources as needed from funds appropriated in fiscal year 2020 for this purpose.

Sec. E.220 Center for crime victim services

(a) Notwithstanding 20 V.S.A. § 2365(c), the Vermont Center for Crime Victim Services shall transfer \$49,253 from the Domestic and Sexual Violence Special Fund established in 13 V.S.A. § 5360 to the Criminal Justice Training Council for the purpose of funding one-half of the costs of the Domestic Violence Trainer position. The other half of the position will be funded with an appropriation to the Criminal Justice Training Council.

Sec. E.224 Agriculture, food and markets – agricultural development

(a) Of the funds appropriated in Sec. B.224 of this act, the amount of \$594,000 in general funds is appropriated for expenditure by the Working Lands Enterprise Board established in 6 V.S.A. § 4606 for investments in food and forest system businesses and services providers pursuant to 6 V.S.A. § 4607 and consistent with the funding priorities in 2012 Acts and Resolves No. 142, Sec. 5, as amended by 2014 Acts and Resolves No. 179, Sec. E.224.1.

Sec. E.233 [Deleted.]

Sec. E.233.1 DEPARTMENT OF PUBLIC SERVICE TRANSFER FROM

RESERVES

(a) Notwithstanding 30 V.S.A. § 22(d)(1) and (3), on June 30 of fiscal year 2019, from any balance in the amount allocated to the Public Utility Commission from the special fund for the maintenance of engineering and accounting forces (special fund) pursuant to 30 V.S.A. § 22(c), sufficient monies shall be transferred to the Department of Public Service for the sole purpose of closing any special fund sub-account fund deficit in the Department of Public Service.

* * * HUMAN SERVICES * * *

Sec. E.300 [Deleted.]

Sec. E.300.1 TRANSITION OF STATE HEALTH CARE RESOURCES
FUND REVENUES TO THE GENERAL FUND

(a) The Department of Finance and Management shall report the total statewide revenues received from each of the following revenue sources both historically and prospectively and compare those amounts to the total amount of State fund sources appropriated in Sec. B.301 of this act, as amended by the Budget Adjustment Act for fiscal year 2019:

(1) all revenue from cigarette and tobacco products taxes levied pursuant to 32 V.S.A. chapter 205;

(2) all revenue from health care provider assessments pursuant to 33 V.S.A. chapter 19, subchapter 2;

(3) all revenue from the Employers' Health Care Fund contribution pursuant to 32 V.S.A. chapter 245; and

(4) all revenue from health care claims assessments pursuant to 32 V.S.A. § 10402.

(b) The State agency or department to which the revenue is remitted shall maintain the same level of accounting detail for each of the revenue sources listed in subdivisions (a)(1)–(4) of this section as was maintained prior to July 1, 2020.

Sec. E.300.2 DEPOSIT AND USE OF MASTER SETTLEMENT FUND

(a) Deposit of Master Tobacco Settlement receipts and appropriations of Tobacco Settlement funds in fiscal year 2020 are made, notwithstanding 2013 Acts and Resolves No. 50, Sec. D.104.

Sec. E.300.3 FUNDING FOR THE OFFICE OF THE HEALTH CARE
ADVOCATE

(a) Of the funds appropriated in Sec. B.300 of this act, \$1,482,406 shall be

used for the contract with the Office of the Health Care Advocate.

Sec. E. 300.4 SPECIALIZED HOUSING VOUCHERS

(a) The Secretary of Human Services shall convene a work group to include one representative from each of the Departments of Mental Health, Corrections, Children and Families, the Housing and Community Development within the Agency of Commerce and Community Development, the Vermont State Housing Authority, and the Vermont Housing and Conservation Board to develop a strategy to fully utilize available federal rental assistance funds for vulnerable populations in Vermont. This rental assistance, in the form of specialized and rapid rehousing vouchers, serves specialized, vulnerable populations including homeless families with children, homeless youth, chronically homeless individuals with mental illness, and families that have lost or are at risk of losing a child to State custody. The working group shall examine the following:

(1) Whether existing expenditures on case management or other services for this vulnerable population could be utilized as match to draw federal specialized voucher funds and;

(2) Vermont's current allocation of housing assistance funds to ensure that Vermont maximizes the ability of the State to draw federal voucher funds.

(b) On or before January 15, 2020, the Secretary of Human Services shall report the findings of the work group to the House committees on Appropriations, on Health and Welfare and on General, Housing and Military affairs and the Senate Committees on Appropriations, on Health and Welfare, and on Economic Development, Housing, and General Affairs.

Sec. E.300.5 18 V.S.A. § 4653(a) is amended to read:

(a) On or before July 1, ~~2019~~ 2020, the Agency of Human Services shall submit a formal request to the Secretary of the U.S. Department of Health and Human Services for certification of the State's wholesale prescription drug importation program.

Sec. E.300.6 3 V.S.A. § 3028 is added to read:

§ 3028. WHOLESALE PRESCRIPTION DRUG IMPORTATION
PROGRAM

(a) The Agency of Human Services shall be responsible for the development and, upon approval from the Secretary of the U.S. Department of Health and Human Services, the implementation and administration of a wholesale prescription drug importation program that complies with the applicable requirements of 21 U.S.C. § 384, including the requirements regarding safety and cost savings.

(b) The Secretary of Human Services may adopt rules pursuant to chapter 25 of this title as needed to develop, implement, and administer the program.

Sec. E.300.7 NEXT STEPS FOR IMPLEMENTING A WHOLESALE
PRESCRIPTION DRUG IMPORTATION PROGRAM

(a) The Agency of Human Services shall consult with the National Academy for State Health Policy (NASHP) and with states pursuing or interested in pursuing a wholesale prescription drug importation program to identify opportunities to coordinate and work collaboratively in these efforts. On or before October 1, 2019, the Agency shall provide an update on its progress in obtaining federal approval for a wholesale prescription drug importation program pursuant to 18 V.S.A. § 4653, including the results of its consultations with NASHP and with other states, to the House Committees on Appropriations, on Health Care, and on Ways and Means; the Senate Committees on Appropriations, on Health and Welfare, and on Finance; and the Joint Fiscal Committee.

(b) The Board of Pharmacy in the Office of Professional Regulation, in consultation with the Agency of Human Services, shall explore whether any new prescription drug wholesaler license categories would be necessary in order to operate a wholesale prescription drug importation program in this State. On or before January 15, 2020, the Board shall provide its findings and recommendations with respect to new prescription drug wholesaler license categories to the House Committees on Government Operations and on Health Care and the Senate Committees on Government Operations and on Health and Welfare.

Sec. E.301 Secretary's office – Global Commitment:

(a) The Agency of Human Services shall use the funds appropriated in Sec. B.103 of this act for payment of the actuarially certified premium required under the intergovernmental agreement between the Agency of Human Services and the managed care entity, the Department of Vermont Health Access, as provided for in the Global Commitment for Health Waiver (Global Commitment) approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

(b) In addition to the State funds appropriated in this section, a total estimated sum of \$26,348,983 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$23,295,650 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$27,204,350 of federal funds appropriated in Sec. B.301 of this act equals a total estimated

expenditure of \$50,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) \$3,053,333 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

(c) Up to \$15,400,000 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 – Secretary’s Office – global commitment of this act.

Sec. E.301.1 GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER;
REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2020, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the Agency shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the September 2020 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. E.301.2 MENTAL HEALTH AND SUBSTANCE USE DISORDER
WORKFORCE;

(a) The \$1,500,000 allocated to the Agency of Human Services for fiscal year 2019 pursuant to 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. C.106.1(b)(2) shall be carried forward to fiscal year 2020 and be used for loan repayment and tuition assistance to promote the recruitment and retention of high-quality providers of mental health and substance use disorder treatment services in Vermont. The funds shall be made available to Vermont residents, and to residents of other states enrolled in Vermont educational institutions, based on a three-year commitment to provide mental health services or substance use disorder treatment services, or both, in Vermont, for the following uses:

(1) loan repayment for masters-level clinicians, bachelor's-level direct-service staff, and nurses; and

(2) tuition assistance for individuals pursuing degrees to become masters-level clinicians, bachelor's level direct service staff, and nurses.

(b) The Agency may contract with Area Health Education Centers or the Vermont Student Assistance Corporation or both to administer these programs.

(c) The fiscal year 2020 appropriation pursuant to 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. C.106.1(b)(2) shall be reserved to be addressed in the fiscal year 2020 budget adjustment or fiscal year 2021 budget processes.

Sec. E.306 VERMONT HEALTH BENEFIT EXCHANGE RULES

(a) The Agency of Human Services may adopt rules pursuant to 3 V.S.A. chapter 25 to conform Vermont's rules regarding health care eligibility and enrollment and the operation of the Vermont Health Benefit Exchange to state and federal law and guidance. The Agency may use the emergency rules process pursuant to 3 V.S.A. § 844 prior to June 30, 2020, but only in the event that new state or federal law or guidance require Vermont to amend or adopt its rules in a time frame that cannot be accomplished under the traditional rulemaking process. An emergency rule adopted under these exigent circumstances shall be deemed to meet the standard for the adoption of emergency rules required pursuant to 3 V.S.A. § 844(a).

Sec. E.306.1 33 V.S.A. chapter 19, subchapter 4 is added to read:

Subchapter 4. Coverage for Dental Services

§ 1991. DEFINITIONS

As used in this chapter:

(1) "Dental hygienist" means an individual licensed to practice as a dental hygienist under 26 V.S.A. chapter 12.

(2) "Dental services" means preventive, diagnostic, or corrective procedures related to the teeth and associated structures of the oral cavity.

(3) "Dental therapist" means an individual licensed to practice as a dental therapist under 26 V.S.A. chapter 12.

(4) "Dentist" means an individual licensed to practice dentistry under 26 V.S.A. chapter 12.

§ 1992. MEDICAID COVERAGE FOR ADULT DENTAL SERVICES

(a) Vermont Medicaid shall provide coverage for medically necessary dental services provided by a dentist, dental therapist, or dental hygienist working within the scope of the provider's license as follows:

(1) Up to two visits per calendar year for preventive services, including prophylaxis and fluoride treatment, with no co-payment. These services shall not be counted toward the annual maximum benefit amount set forth in subdivision (2) of this subsection.

(2) Diagnostic, restorative, and endodontic procedures, to a maximum of \$1,000.00 per calendar year, provided that the Department of Vermont Health Access may approve expenditures in excess of that amount when exceptional medical circumstances so require.

(3) Other dental services as determined by the Department by rule.

(b) The Department of Vermont Health Access shall develop a reimbursement structure for dental services in the Vermont Medicaid program that encourages dentists, dental therapists, and dental hygienists to provide preventive care.

Sec. E.306.2 AMENDMENT TO MEDICAID STATE PLAN

(a) If necessary, the Secretary of Human Services shall request approval from the Centers for Medicare and Medicaid Services for an amendment to Vermont's Medicaid State Plan to include the expanded Medicaid dental benefits set forth in 33 V.S.A. § 1992.

Sec. E.306.3 DENTAL ACCESS AND REIMBURSEMENT WORKING GROUP; REPORT

(a) The Department of Vermont Health Access, in consultation with the Board of Dental Examiners and the Vermont State Dental Society, shall convene a working group of interested stakeholders to:

(1) evaluate current Medicaid reimbursement rates to dentists, dental therapists, and other providers of dental services and determine the amount of fiscally responsible increases to the rates for specific services that would be needed in order to attract additional providers to participate in the Vermont Medicaid program;

(2) determine the feasibility of and costs associated with establishing a State dental assistance program to provide access to affordable dental services for Vermont residents who have lower income and are enrolled in Medicare; and

(3) explore opportunities to further expand access to dental care in Vermont, including:

(A) examining the potential to reimburse dentists, dental therapists, and dental hygienists for teledentistry services; and

(B) exploring the possible integration of dental services into the scope of services provided through accountable care organizations.

(b)(1) On or before November 1, 2019, the Department of Vermont Health Access shall provide to the House Committee on Health Care and the Senate Committee on Health and Welfare the working group's findings and recommendations regarding the feasibility and costs of creating a dental assistance program for Medicare beneficiaries as described in subdivision (a)(2) of this section and on opportunities to further expand access to dental care as described in subdivision (a)(3) of this section. The report shall also include the amount of funding that would be needed to achieve the reimbursement rates determined by the working group pursuant to subdivision (a)(1) of this section.

(2) The Department of Vermont Health Access shall report on the amount of funding necessary to achieve the reimbursement rates determined by the working group pursuant to subdivision (a)(1) of this section as part of the Department's fiscal year 2021 budget presentation.

Sec. E.308 LONG TERM CARE APPROPRIATION; TRANSFER

(a) In fiscal year 2020, the Administration is authorized to transfer the appropriation in Sec. B.308 of this act from the Department of Vermont Health Access to the Department of Disabilities, Aging, and Independent Living. This change shall be reflected in future budget recommendations.

(b) The Secretary of Human Services shall review and assess the appropriation structure for funding licensed residential care facilities and make recommendations in the Agency's fiscal year 2021 budget proposal.

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2020 and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. The Department of Health AIDS Program shall meet at least quarterly with the Community Advisory Group (CAG) with current information and data relating to service initiatives. The funds shall be allocated according to an RFP process.

(2) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or

services funded solely by State general funds.

(3)(A) The Secretary of Human Services shall immediately notify the Joint Fiscal Committee if at any time there are insufficient funds in VMAP to assist all eligible individuals. The Secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to VMAP medications until such time as the General Assembly can take action.

(B) As provided in this section, the Secretary of Human Services shall work in collaboration with the VMAP Advisory Committee, which shall be composed of not less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the Committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2020, the Department of Health shall provide grants in the amount of \$100,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including syringe exchange programs; improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; and anti-stigma campaigns. Not more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(5) In fiscal year 2020, the Department of Health shall provide grants in the amount of \$150,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for syringe exchange programs. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health, the Vermont AIDS service organizations, and other Vermont HIV/AIDS prevention providers. The performance period for these grants will be State fiscal year 2020. Grant reporting shall include outcomes and results.

Sec. E.312.1 REPORT; PROMOTION OF IMMUNIZATION

(a) On or before July 1, 2019, the Commissioner of Health shall submit a report to the House Committee on Health Care and to the Senate Committee on Health and Welfare summarizing the Department's efforts to promote immunization in Vermont in accordance with the U.S. Centers for Disease

Control and Prevention's recommendations. The report shall specifically address:

(1) existing efforts by the Department to promote immunization in Vermont, as well as the funding source and annual funding amount used for each effort; and

(2) the availability of additional federal funds to enhance Vermont's efforts to promote immunizations.

Sec. E.312.2 DISTRIBUTION OF FENTANYL TESTING STRIPS

(a) The Department of Health, Alcohol and Drug Abuse Programs shall allocate \$50,000 of special funds appropriated in fiscal year 2020 for the distribution of fentanyl testing strips through active syringe service programs in the state. Priority should be given to syringe service programs that do not currently distribute testing strips, to areas of the state with the highest overdose death rates and highest percentage of fentanyl involvement, and to pregnant and parenting women. The amount expended shall not exceed available funds. The Department shall establish participation requirements for the syringe service programs receiving strips under this pilot.

Sec. E.314 ENHANCED CRT; SUPPORTED HOUSING

(a) \$1,560,800 of the funds provided to the Department of Mental Health shall be utilized to create up to 12 supported housing arrangements for CRT individuals whose acuity and particular needs have been prohibitive to community re-entry. The intent of this funding is reduced inpatient use by individuals who have limited discharge options.

Sec. E.314.1 SUCCESS BEYOND SIX; REVIEW

(a) The Success Beyond Six program is based on agreements between the Designated Agencies and local schools, supervisory unions, or districts. The Agency of Human Services currently does not play a role in negotiating the contracts, however the overall program spending is part of the Medicaid program and impacts overall Medicaid spending and the budget neutrality cap.

(b) Given the limited room in the Global Commitment Medicaid budget neutrality cap, the Agency of Human Services (AHS) and Department of Mental Health (DMH) shall assess and determine how to evaluate Success Beyond Six program spending against other competing priorities in the Medicaid program.,.

(c) AHS/DMH shall report to the General Assembly on Success Beyond Six evaluation and oversight no later than January 15, 2020. The report shall include:

(1) Analysis of the trend in school based mental health programming that is funded through the Success Beyond Six program fiscal mechanism;

(2) Evaluation of the program attributes;

(3) Determination, in partnership with the with the Designated Agencies, of metrics for evaluating program outcomes; and

(4) Determination of how AHS/DMH should participate in Success Beyond Six spending decisions.

Sec. E.316 [Deleted.]

Sec. E.316.1 [Deleted.]

Sec. E.317 [Deleted.]

Sec. E.318 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ELIGIBILITY

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

(2) The subsidy authorized by this subsection shall be on a sliding scale basis. The scale shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the current federal poverty guidelines. The upper income limit of the fee scale shall be neither less than 200 percent of the current federal poverty guidelines nor more than 100 percent of the State median income, adjusted for the size of the family. The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.

* * *

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

customary rate for services at the center-based child care program or family child care home.

* * *

Sec. E.318.1 CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a) In fiscal year 2020 the Department for Children and Families' Child Development Division shall adjust the sliding fee scale and reimbursement rates as follows:

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

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

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

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

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

(2) align rates of reimbursement for preschool age children participating in CCFAP in fiscal year 2020 with the market rates reported on the 2012 Vermont Market Rate Survey, align rates of reimbursement for school age children participating in CCFAP in fiscal year 2020 with the market rates reported on the 2010 Vermont Market Rate Survey, and maintain rates of reimbursement for infants and toddlers participating in CCFAP in fiscal year 2020 with the market rates reported on the 2017 Vermont Market Rate Survey.

Sec. E.318.2 EARLY CHILD CARE AND DEVELOPMENT PROGRAM CESSATION

(a) The Early Care and Child Development Grant Program shall cease operation on June 30, 2019.

Sec. E.318.3 33 V.S.A. § 3515 is added to read:

§ 3515. INFANT AND TODDLER CHILD CARE PROVIDER GRANTS

(a) There is established an infant and toddler child care provider grant program administered by the Division for the purpose of expanding infant and

toddler child care capacity. The Division shall award grants to new or existing center-based child care programs and family child care homes in accordance with subsections (b) and (c) of this section.

(b) An eligible applicant shall:

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

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

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

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

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

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

Sec. E.318.4 BRIGHT FUTURES INFORMATION SYSTEM;
MODERNIZATION PLAN

(a) In fiscal year 2020, up to \$100,000 of funds may be used by the Department for Children and Families' Child Development Division for the purpose of developing a modernization plan for the Bright Futures Information System. On or before Dec. 1, 2019, the Commissioner shall submit a report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare providing:

(1) an initial project plan and timeline;

(2) a fiscal analysis of the plan; and

(3) the project team tasked with overseeing the project's implementation.

Sec. E.318.5 33 V.S.A. § 3516 is added to read:

§ 3516. GRANT INCENTIVIZING CHILD CARE PROFESSION

(a) There is established an incentive program that fosters an interest in the child care profession among students, including students participating in adult

education. The incentive program shall provide grants to fund a combination of opportunities for students employed in regulated, privately operated center-based child care programs and family child care homes, including:

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

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

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

Sec. E.318.6 REPORT; EVALUATION OF EXPENDITURES AND PROGRAMS

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

(1) evaluating the effectiveness of the expenditures resulting from the Child Care Financial Assistance Program rate and subsidy changes enacted for fiscal year 2020, the infant and toddler child care provider grants set forth in 33 V.S.A. § 3515, and the grant incentivizing the child care profession set forth in 33 V.S.A. § 3516;

(2) making recommendations as to whether these programs and expenditures should continue; and

(3) evaluating how these expenditures and programs contribute to Vermont's children and young people reaching their potential pursuant to 3 V.S.A. § 2311.

Sec. E.318.7 EDUCATIONAL AND EXPERIENTIAL VARIANCE

(a) For individuals operating or employed in a registered family child care home or as a director or teacher associate in a center-based program for 10 or more years prior to September 1, 2016, the Commissioner for Children and Families or designee may issue a variance to the Child Development Division's rule regarding educational and experiential requirements to allow an

individual to maintain employment in that same role regardless of whether the family child care provider, family child care assistant, director, or teacher associate intends to attain the otherwise necessary educational requirements. To be eligible for a variance, the family child care provider, family child care assistant, director, or teacher associate shall:

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

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

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

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

Sec. E.321 GENERAL ASSISTANCE HOUSING

(a) Funds appropriated to the Agency of Human Services in the General Assistance program in fiscal year 2020 may be used for temporary housing in catastrophic situations and for vulnerable populations, as defined in rules adopted by the Agency. The Commissioner for Children and Families may, by policy, provide temporary housing for a limited duration in adverse weather conditions when appropriate shelter space is not available.

Sec. E.321.1 HOUSING ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM; COMMUNITY BASED ALTERNATIVES TO GENERAL ASSISTANCE TEMPORARY HOUSING

(a) For fiscal year 2020, the Agency of Human Services may continue to fund housing assistance programs within the General Assistance program to create flexibility to provide General Assistance benefits, as well as grants to support the establishment of community-based alternatives for temporary housing as part of the effort to reduce the number of individuals temporarily housed by the General Assistance program. The purpose of these housing assistance programs and community-based alternatives is to mitigate poverty and serve applicants more effectively than they are currently being served with General Assistance funds. Eligible activities shall include, among other things, the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, upstream prevention, and related services that ensure that all Vermonters have access to

shelter, housing, and the services they need to become safely housed. The Agency may award grants to homeless and housing service providers for eligible activities. Where such housing assistance programs and grants are provided, and community-based programs are established, the General Assistance rules shall not apply. The assistance provided under this section is not an entitlement and may be discontinued when the appropriation has been fully spent.

(b) The housing assistance and community-based programs may operate in up to 12 districts designated by the Secretary of Human Services. The Agency shall establish goals and procedures for evaluating the program overall, including performance measures that demonstrate program results, and for each district in which the Agency operates the program, it shall establish procedures for evaluating the district program and its effects.

(c) The Agency shall continue to engage interested parties, including both statewide organizations and local agencies, in the design, implementation, and evaluation of housing assistance programs and community-based alternatives to General Assistance temporary housing.

Sec. E.323 REACH UP CASE MANAGEMENT REVIEW

(a) On or before October 2019, the Secretary of Human Services shall report to Joint Legislative Child Protection Oversight Committee and make recommendations on how Reach Up Case Management services can be more effectively directed to strengthen families and promote parental responsibilities. This report shall:

(1) outline the current components of the statutorily required Individualized Family Development Plan;

(2) identify what modifications are required to ensure a comprehensive assessment of the family's strengths and service needs is completed so that the family's individualized plan adequately addresses the nurturing and care of the children;

(3) review how families at risk of involvement in the child welfare system are identified and protocols for providing the preventive and upstream services to so that children can remain safely at home; and

(4) examine current practices of serving Reach Up families such as home visiting and referrals to enhance parental care and family stability.

Sec. E.323.1 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

* * *

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

* * *

(9) The amount of ~~\$115.00~~ \$58.00 of the Supplemental Security Income payment received by a parent excluding payments received on behalf of a child shall count toward the determination of the amount of the family's financial assistance grant.

* * *

Sec. E.324 EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households that have applied for an expedited seasonal fuel benefit but have not yet received it, if the benefit cannot be executed in time to prevent them from running out of fuel. The crisis fuel grants authorized pursuant to this section count toward the one crisis fuel grant allowed per household for the winter heating season pursuant to 33 V.S.A. § 2609(b).

Sec. E.325 Department for children and families – office of economic opportunity

(a) Of the General Fund appropriation in Sec. B.325 of this act, \$1,092,000 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal Emergency Solutions Grants funds. Grant decisions shall be made with assistance from the Vermont Coalition to End Homelessness.

Sec. E.326 Department for children and families – OEO – weatherization assistance

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.326.1 [Deleted.]

Sec. E.326.2 [Deleted.]

Sec. E.333 DEVELOPMENTAL DISABILITIES SERVICE PAYMENT REFORM UPDATE

(a) The Agency of Human Services shall submit an update to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare on the progress

made on the developmental disability service delivery and payment reform model on or before January 15, 2020. The update will provide information on decisions made to date on the proposed model for developmental disabilities payment and service delivery reform, including information regarding:

(1) anticipated costs to both providers and the state of any potential changes including changes in the assessments process and any identified funding strategies;

(2) the plan to use a standardized assessment tool;

(3) how the proposed model addresses individualized services and community inclusion;

(4) stakeholder engagement including how their feedback was incorporated into the plan;

(5) a description of how the model works in relation to value-based payment and sustainability of the system and its workforce;

(6) how the model covers the costs of high needs individuals;

(7) the continuation of person-centered care planning and services;

(8) maintaining choice of provider, service management, and service options; and

(9) how it will hold providers accountable for service expenditures and individual recipient outcomes.

Sec. E.335 CORRECTIONS APPROPRIATIONS; TRANSFER; REPORT

(a) In fiscal year 2020, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services and for correctional services out-of-state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

Sec. E.335.1 JUSTICE REINVESTMENT ALLOCATIONS

(a) In fiscal year 2020 and each fiscal year thereafter the Department of Corrections shall redirect any budgetary savings in contracted services or caseload reductions in any area of corrections services, out-of-state bed need, as well as any savings to the following justice reinvestment priorities:

(1) court diversion, community justice programs and nonincarcerative treatment options for those suffering from either mental health or addiction problems.

(2) community organizations that develop transitional or long-term housing for offenders re-entering the community.

(3) programs operated by the Department or partner organizations serving re-entering offenders regarding employment, reliable transportation, education or vocational training, substance use disorder recovery, peer support, and housing.

Sec. E.335.2 COMMUNITY WORK CREW PROGRAM RESTRUCTURE

(a) On or before October 15, 2019, the Department of Corrections shall report to the House and Senate Committees on Appropriations and on Judiciary regarding whether the Department should contract with local community justice programs to oversee the work crew sentence requirements of any individual with work crew obligations under the Department's supervision. The report shall consider the cost and public safety implications, as well as any anticipated effect on recidivism rates, of any such contractual approach to work crew supervision. This report is timely for the General Assembly because of the relatively small number of offenders with work crew obligations, the significant number of Department staff currently tasked with work crew oversight, and the opportunity to better partner with state-supported community and restorative justice programs.

Sec. E.338 Corrections - correctional services

(a) Notwithstanding 32 V.S.A. § 3709(a), the special funds appropriation of \$152,000 for the supplemental facility payments to Newport and Springfield shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

(b) The Department shall allocate \$20,000 of community program funding to the Caring Dads program in fiscal year 2020.

Sec. E.338.1 28 V.S.A. § 801 is amended to read:

§ 801. MEDICAL CARE OF INMATES

* * *

(e)(1) Except as otherwise provided in this subsection, an inmate who is admitted to a correctional facility while under the medical care of a licensed physician, a licensed physician assistant, or a licensed advanced practice registered nurse and who is taking medication at the time of admission pursuant to a valid prescription as verified by the inmate's pharmacy of record, primary care provider, other licensed care provider, or as verified by the Vermont Prescription Monitoring System or other prescription monitoring or information system, including buprenorphine, methadone, or other medication prescribed in the course of medication-assisted treatment, shall be entitled to

continue that medication and to be provided that medication by the Department pending an evaluation by a licensed physician, a licensed physician assistant, or a licensed advanced practice registered nurse.

(2)(A) Notwithstanding subdivision (1) of this subsection, the Department may defer provision of a validly prescribed medication in accordance with this subsection if, in the clinical judgment of a licensed physician, a physician assistant, or an advanced practice registered nurse, it is not medically necessary to continue the medication at that time.

(B) Notwithstanding subdivision (1) of this subsection, an inmate taking medication prescribed in the course of medication-assisted treatment shall attend the counseling and behavioral therapy components of medication-assisted treatment.

* * *

Sec. E.338.2 28 V.S.A. § 801b is amended to read:

§ 801b. MEDICATION-ASSISTED TREATMENT IN CORRECTIONAL FACILITIES

(a) If an inmate receiving medication-assisted treatment prior to entering the correctional facility continues to receive medication prescribed in the course of medication-assisted treatment pursuant to section 801 of this title, the inmate shall be authorized to receive that medication for as long as medically necessary. The inmate shall attend the counseling and behavioral therapy components of medication-assisted treatment.

(b)(1) If at any time an inmate screens positive as having an opioid use disorder, the inmate may elect to commence buprenorphine-specific medication-assisted treatment if it is deemed medically necessary by a provider authorized to prescribe buprenorphine. The inmate shall be authorized to receive the medication as soon as possible and for as long as medically necessary. The inmate shall attend the counseling and behavioral therapy components of medication-assisted treatment.

(2) Nothing in this subsection shall prevent an inmate who commences medication-assisted treatment while in a correctional facility from transferring from buprenorphine to methadone if:

(A) methadone is deemed medically necessary by a provider authorized to prescribe methadone; and

(B) the inmate elects to commence methadone as recommended by a provider authorized to prescribe methadone.

(c) The licensed practitioner who makes the clinical judgment to discontinue a medication shall cause the reason for the discontinuance to be entered into the inmate's medical record, specifically stating the reason for the discontinuance. The inmate shall be provided, both orally and in writing, with a specific explanation of the decision to discontinue the medication and with notice of the right to have his or her community-based prescriber notified of the decision. If the inmate provides signed authorization, the Department shall notify the community-based prescriber in writing of the decision to discontinue the medication.

(d)(1) As part of reentry planning, the Department shall commence medication-assisted treatment prior to an inmate's release if:

(A) the inmate screens positive for an opioid use disorder;

(B) medication-assisted treatment is medically necessary; ~~and~~

(C) the inmate elects to commence medication-assisted treatment;
and

(D) the inmate agrees to attend the counseling and behavioral therapy components of medication-assisted treatment.

(2) If medication-assisted treatment is indicated and despite best efforts induction is not possible prior to release, the Department shall ensure comprehensive care coordination with a community-based provider.

(e) ~~Any counseling or~~ Counseling and behavioral therapies shall be provided in conjunction with the use of medication for all medication-assisted treatment ~~shall be medically necessary.~~

Sec. E.338.3 CORRECTIONS HEALTH CARE; REPORTS

(a) On or before November 15, 2019, the Department of Corrections shall provide an interim report to the Joint Legislative Justice Oversight Committee regarding:

(1) the Department's current and planned future efforts, in consultation with the Agency of Human Services and the other departments in the Agency, to integrate health care services delivered in correctional facilities with Vermont's broader health care reform initiatives;

(2) the Department's implementation of the requirement pursuant to Secs. E.338.1 and E.338.2 of this act that counseling and behavioral therapy services be provided as an essential element of medication-assisted treatment provided in correctional, as well as community, settings; and

(3) the Department's current and planned future efforts to increase the use of local health care professionals and hospitals and to reduce its reliance on traveling nurses and other temporary providers.

(b) On or before January 15, 2020, the Department shall provide a final report on the topics described in subdivisions (a)(1)–(3) of this section to the House Committees on Appropriations, on Corrections and Institutions, on Health Care, and on Human Services and the Senate Committees on Appropriations, on Health and Welfare, on Institutions, and on Judiciary.

Sec. E.338.4 2014 Acts and Resolves No. 131, Sec. 135, as amended by 2015 Acts and Resolves No. 4, Sec. 71 and 2017 Acts and Resolves No. 85, Sec. E.338.2 and 2018 Acts and Resolves No.87, Sec. 51, is further amended to read:

Sec. 135. ~~EFFECTIVE DATES~~

~~This act shall take effect on passage, except that Secs. 118a and 118b (amending 18 V.S.A. § 4808 and adding 18 V.S.A. § 4809) shall take effect on July 1, 2021. [Repealed.]~~

Sec. E.342 20 V.S.A. § 1716 is amended to read:

§ 1716. CHIEF EXECUTIVE OFFICER

* * *

~~(11) Report annually on or before July 1 to the Secretary of Administration and the Senate Committee on Appropriations on the number of employees who work at the Vermont Veterans' Home for 16 hours or fewer per week. [Repealed.]~~

Sec. E.342.1 VERMONT VETERANS' HOME SAFETY AND ACCESS
CONTROL UPGRADES

(a) The Vermont Veterans' Home is authorized to use \$918,750 as 35 percent State match for its VA grant to address safety and access control. \$140,049 shall be reserved for further use with the approval of the General Assembly.

Sec. E.342.2 VERMONT VETERANS' HOME; PRESCRIPTION SAVINGS

(a) The Vermont Veterans' Home shall develop a program to access lower-cost, safe prescription drugs through the U.S. Veterans Administration to meet the prescription drug needs of as many residents of the Veterans' Home as possible. Savings from the program compared to purchasing the same prescription drugs under the existing process shall be accounted for, and savings shall be reflected in Medicaid rates.

* * * LABOR * * *

Sec. E.400 LABOR PROGRAMS

(a) \$1,335,900 of the General Funds appropriated in Sec. B.400 of this act are workforce education and training funds formerly allocated through the Next Generation fund. Up to 10 percent of these funds may be allocated for administration and the remaining funds are allocated in fiscal year 2020 as follows:

(1) \$350,000 for infrastructure and grants for internships through the Vermont Internship Program pursuant to 10 V.S.A. § 544.

(2) \$400,000 for Adult Career Technical Education Programs for the purpose of awarding grants to regional technical centers and high schools to provide adult career technical education as the term is defined in 16 V.S.A. § 1522. Each of the seventeen (17) regional Career Technical Education (CTE) Centers that provides Adult CTE programs shall be awarded a base grant of \$20,000. These grants may be used to support adult program staff or instructor salaries, scholarships for eligible adult CTE students, or curriculum development for adult CTE courses. The remaining \$60,000 is to support the coordination and organization of the State's regional adult career technical education programs.

(3) \$100,000 to support the Vermont Returnship Program pursuant to 10 V.S.A. § 545. The Department of Labor may award a performance grant to assist in the coordination, outreach, and implementation of the program.

(4) \$75,000 to support workforce education and training activities for Vermont inmates in the State's correctional facilities that are consistent with their re-entry plan. The Department may fund these activities directly or in coordination with the Department of Corrections, a local restorative justice center, a regional Career Technical Education Center, or other qualified training provider. Training opportunities funded with this allocation will be aligned with an identified employment need, and when possible, should result in an industry-recognized credential.

(5) \$277,310 to support of demand-driven trainings or programs aimed at meeting employment needs throughout the State. High-priority sectors include: health care, construction, manufacturing, transportation, hospitality, and business services. Grants may be awarded to training providers, businesses, or service providers who help out-of-school youth, veterans, dislocated workers, mature workers, individuals in recovery, or geographically isolated job seekers to overcome barriers to employment.

Sec. E.400.1 VERMONT YOUTH EMPLOYMENT PROGRAM

(a) On or before September 1, 2019 the Department of Labor shall design and begin implementation of the Vermont Youth Employment Program, the purpose of which shall be to provide paid work experiences and paid or unpaid internships for Vermont youth with individualized pre-employment, academic, occupational, and technical skill development supports available as needed. In coordination with existing federal youth education, training, and employment programs, the Vermont Youth Employment Program shall include:

(1) a summer youth employment program for individuals 15-24 years of age; and

(2) a non-seasonal youth employment program for out-of-school youth as defined in 20 CRF §681.210 or individuals 18-24 years of age who are not pursuing a post-secondary degree or credential.

(b) The Department shall implement the Program using funds from the State's Workforce Innovation and Opportunity Act grant from the U.S. Department of Labor, and other State and federal sources, to the extent allowed under applicable law.

(c) The Department shall design the Program to serve approximately 150 individual Vermonters annually, and it shall be designed to support opportunities that are easily replicable throughout the State if the program is expanded in future years.

(d) Of the General Funds appropriated to the Department of Labor, \$150,000 is allocated to support the program and may be used for program administration, wages for non-WIOA eligible youth, academic or skill instruction, participant transportation, or other non-federally fundable expenses.

(e) The Department shall collect the following information and make it available to the General Assembly upon request:

(1) the number of youth enrolled and that have completed the program;

(2) the age and town of residence of youth at the time of enrollment;

(3) the number and types of certificates or credentials granted to participants;

(4) employment or post-secondary enrollment outcomes of participants in the second and fourth quarter of the year after enrollment;

(5) the total allocation of funding from federal, State, private, and philanthropic sources that is used to support the program; and

(6) any identified barriers that impede the success of the program either at the program or individual participant level.

* * * K-12 EDUCATION * * *

Sec. E.500 32 V.S.A. § 6075a is amended to read:

§ 6075a. ~~EDUCATION FINANCIAL SYSTEMS FUND~~

~~There is created a special fund to be called the “Education Financial Systems Fund.” The purpose of the Fund is to provide for implementation of a uniform chart of accounts by the Agency of Education as provided in 2014 Acts and Resolves No. 179, Secs. E.500.2 and E.500.3, and Sec. E.500.1 as amended by 2015 Acts and Resolves No. 58, Sec. E.500.1. [Repealed.]~~

Sec. E.500.1 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

* * *

(b) Monies in the Education Fund may be used for the following:

* * *

(5) To make payments for contracted services to support statewide administrative education systems, including the costs of the statewide school finance and financial management data system to complete the reporting required by 16 V.S.A. § 242(4) and pursuant to 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.500.1.

* * *

Sec. E.500.2 EDUCATION FINANCIAL SYSTEMS FUND BALANCE
TRANSFER

(a) Notwithstanding any other provision of law, on July 1, 2019 any unencumbered balance in the Education Financial Systems Fund, established by 32 V.S.A. § 6075a, fund number 21244, shall be transferred to the Education Fund.

Sec. E.500.3 Education – finance and administration

(a) The Global Commitment funds appropriated in this section will be used for physician claims for determining medical necessity of Individualized Education Program (IEPs). It is the goal of these services to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.502 Education – special education: formula grants

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,764,490 shall be used by the Agency of Education in fiscal year 2020 as funding for 16 V.S.A.

§ 2967(b)(2)–(6). In distributing such funds, the Secretary shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d).

Sec. E.503 Education – state-placed students

(a) The Independence Place Program of the Lund Family Center shall be considered a 24-hour residential program for the purposes of reimbursement of education costs.

Sec. E.504.1 16 V.S.A. § 944 is amended to read:

§ 944. DUAL ENROLLMENT PROGRAM

* * *

(f) Tuition and funding.

* * *

(2) The State shall pay ~~50~~ 100 percent of the tuition owed to public postsecondary institutions under subdivision (1)(A) of this subsection from the ~~Next Generation Initiative Fund created in section 2887 of this title, and 50 percent from~~ funds appropriated from the Education Fund, notwithstanding subsection 4025(b) of this title.

* * *

Sec. E.504.2 Education – flexible pathways

(a) Of this appropriation, \$3,916,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 943(c). Notwithstanding 16 V.S.A. § 4025(b), of this Education Fund appropriation, the amount of:

(1) \$1,700,000 is available for dual enrollment programs and the amount of \$85,000 is available for need-based stipends pursuant to Sec. E.605.2(a)(1) of this act;

(2) \$100,000 is available to support the Vermont Virtual Learning Cooperative at the River Valley Technical Center School District;

(3) \$200,000 is available for secondary school reform grants; and

(4) \$450,000 is available for the Vermont Academy of Science and Technology and \$2,148,000 for Early College pursuant to 16 V.S.A. § 946.

Sec. E.505 INTERSTATE SCHOOL DISTRICT

(a) Notwithstanding any other provision of law, \$25,000 of the funds appropriated in Sec. B.505 of this act shall be granted to the Stamford school district for continued study of the formation of an interstate school district that

would combine the Stamford school district with the Clarksburg, Massachusetts school district.

Sec. E.514 State teachers' retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers' Retirement System (STRS) shall be \$126,197,389 of which \$120,247,389 shall be the State's contribution and \$5,950,000 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$7,116,765 is the "normal contribution," and \$119,080,624 is the "accrued liability contribution."

Sec. E.515 Retired teachers' health care and medical benefits

(a) In accordance with 16 V.S.A. § 1944b(b)(2), \$31,067,652 will be contributed to the Retired Teachers' Health and Medical Benefits Fund.

Sec. E.515.1 PREFUNDING OF THE RETIRED TEACHERS' HEALTH CARE AND MEDICAL BENEFITS FUND

(a) Of the amount appropriated in Sec. B.515 of this act, \$2,400,000 is intended to prefund the Retired Teachers' Health and Medical Benefits Fund at the earliest possible date.

* * * HIGHER EDUCATION * * *

Sec. E.600 University of Vermont

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

(c) If Global Commitment Fund monies are unavailable, the total grant funding for the University of Vermont shall be maintained through the General Fund or other State funding sources.

(d) The University of Vermont shall use the Global Commitment funds appropriated in this section to support Vermont physician training. The University of Vermont prepares students, both Vermonters and out-of-state, and awards approximately 100 medical degrees annually. Graduates of this program, currently representing a significant number of physicians practicing

in Vermont, deliver high-quality health care services to Medicaid beneficiaries and to uninsured or underinsured persons, or both, in Vermont and across the nation.

Sec. E.602 Vermont state colleges

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont Manufacturing Extension Center for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.602.1 [Deleted.]

Sec. E.603 Vermont state colleges – allied health

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the General Fund or other State funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in this section to support the dental hygiene, respiratory therapy, and nursing programs which graduate approximately 315 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries or uninsured or underinsured persons, or both.

Sec. E.603.1 UNIVERSITY OF VERMONT AND VERMONT STATE
COLLEGES SYSTEM EFFICIENCIES AND IMPROVED
RETENTION AND GRADUATION RATES

(a) The University of Vermont (UVM) and the Vermont State Colleges System (VSCS) shall:

(1) collaborate to identify cost efficiencies that would benefit both institutions. Such efficiencies may include costs related to employee health care benefits, purchasing, and the processing of accounts payable, accounts receivable, and payroll; and

(2) collaborate to implement strategies to increase retention and graduation rates at the University of Vermont and each of the colleges in the VSCS.

(b) UVM and the VSCS shall submit an interim report to the Senate and House Committees on Appropriations and the Senate and House Committees on Education on or before October 15, 2019. This report shall include:

(1) preliminary recommendations for efficiencies that should be pursued;

(2) the estimated amount of annual savings;

(3) any one-time funds needed to implement the efficiencies;

(4) any further efficiencies that should be explored; and

(5) preliminary recommendations regarding strategies to increase retention and graduation rates.

(c) If the interim report is not submitted or when submitted does not include any recommendations pursuant to (b)(1) and (b)(5) above, a new workgroup shall immediately be created.

Sec. E.603.2 UVM AND VSCS EFFICIENCIES AND IMPROVED
RETENTION AND GRADUATION RATES WORKGROUP

(a) Membership. The Workgroup shall consist of seven members as follows:

(1) two members of the Senate, one each from the Committees on Appropriations and Education, appointed by the Committee on Committees.

(2) two members of the House, one each from the Committees on Appropriations and Education, appointed by the Speaker of the House.

(3) the Commissioner of Finance and Management, or designee.

(4) one person representing the University of Vermont, selected by the President of the University.

(5) one person representing the Vermont State Colleges System, selected by the Chancellor.

(b) Meetings. The Workgroup may meet up to four times. For attending a meeting of the Workgroup when he or she is not receiving compensation as a member of the General Assembly, a member of the Workgroup who is a member of the General Assembly shall be entitled to the same per diem compensation and reimbursement for necessary expenses as provided members of standing committees under section 406 of Title 2.

(c) Report. The Workgroup shall submit a report to the Senate and House Committees on Appropriations and the Senate and House Committees on Education on or before December 15, 2019. This report shall include:

(1) recommendations for efficiencies that should be pursued;

(2) the estimated amount of annual savings;

(3) any one-time funds needed to implement the efficiencies;

(4) any further efficiencies that should be explored; and

(5) recommendations regarding strategies to increase retention and graduation rates.

Sec. E.605 Vermont student assistance corporation

(a) Of this appropriation, \$25,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Of this appropriation, not more than \$200,000 may be used by the Vermont Student Assistance Corporation for a student aspirational pilot initiative to serve one or more high schools.

(c) Of the appropriated amount remaining after accounting for subsections (a) and (b) of this section, not less than 93 percent of this appropriation shall be used for direct student aid.

Sec. E.605.1 [Deleted.]

Sec. E.605.2 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND
EARLY COLLEGE STUDENTS

(a) The sum of \$85,000 shall be transferred to the Vermont Student Assistance Corporation (VSAC) from Sec. E.504.2(a)(1) and (b) of this act (flexible pathways funds appropriated for need-based stipend purposes) to fund a flat-rate, need-based stipend or voucher program for financially needy students enrolled in a dual enrollment course pursuant to 16 V.S.A. § 944 or in early college pursuant to 16 V.S.A. § 946 to be used for the purchase of books, cost of transportation, and payment of fees. VSAC shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis until funds are depleted.

(b) VSAC shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and to the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before January 15, 2020.

* * * NATURAL RESOURCES * * *

Sec. E.700 24 V.S.A. § 4752 is amended to read:

§ 4752. DEFINITIONS

As used in this chapter:

* * *

(20) “Hardship municipality” means a municipality served by a municipally owned public community water system that:

(A) has a residential population of 250 or less;

(B) has an annual household user cost that exceeds \$1,000.00 or 1.5 percent of the median household income after construction of the water supply improvements project as determined by the Secretary; and

(C) requires improvements to address an imminent public health hazard or a substantial threat to public health as determined by the Secretary.

Sec. E.700.1 24 V.S.A. § 4769 is added to read:

§ 4769. LOANS TO HARDSHIP MUNICIPALITIES

(a) Waiver of bond vote. A hardship municipality may receive a loan for an eligible project that includes a loan subsidy of up to \$200,000.00 in the form of 100 percent principal forgiveness with no interest or administrative fee from funds authorized in 24 V.S.A. § 4753(a)(3), subject to the availability of such loan subsidy. Notwithstanding the provisions of 24 V.S.A. § 4755(a)(3), the loan is not required to be evidenced by a municipal bond up to the amount to be forgiven.

(b) Waiver of reimbursement method required in statute. Notwithstanding the provisions of 24 V.S.A. § 4755(b), loan funds may be disbursed to a hardship municipality for its approved project upon receipt by the Department of eligible project invoices without prior payment by the municipality.

Sec. E.702 WATER QUALITY TREATMENT AND TESTING:
SALISBURY FISH HATCHERY

(a) The Department of Fish and Wildlife and the Department of Environmental Conservation shall review the water quality treatment and testing currently implemented at the Salisbury fish hatchery. On or before January 15, 2022, the Department of Environmental Conservation and the Department of Fish and Wildlife, where appropriate, shall modify the water quality treatment and testing requirements at the hatchery in order to bring the hatchery into compliance with the Vermont water quality standards. The review conducted by the Department of Fish and Wildlife and the Department of Environmental Conservation shall include evaluation of:

(1) modifications to the discharge point of compliance at the hatchery;

(2) rate of discharge from the hatchery;

(3) the placement of the discharge output for the hatchery;

(4) potential discharge treatment systems designed to bring the hatchery into compliance with the Vermont water quality standards;

(5) an evaluation of the appropriate monitoring and sampling protocols of the receiving State waters.

(b) Beginning on January 15, 2020, and annually thereafter until January 15, 2023, the Department of Fish and Wildlife, after consultation with the Department of Environmental Conservation, shall report to the House Committees on Natural Resources, Fish, and Wildlife, on Corrections and Institutions, on Appropriations, and on Ways and Means and the Senate Committees on Natural Resources and Energy, on Institutions, on Finance, and on Appropriations regarding implementation of the modifications resulting from the review required under subsection (a) of this section.

Sec. E.711 ENVIRONMENTAL CONTINGENCY FUND; BENNINGTON
WATER LINE EXTENSION

(a) In fiscal year 2019, there is transferred \$2,500,000 from the General Fund from a settlement with multiple gasoline refiners related to contamination from the gasoline additive methyl tertiary-butyl ether to the Environmental Contingency Fund established pursuant to 10 V.S.A. § 1283 for the purpose of extending municipal water to contaminated properties in the Town of Bennington.

Sec. E.711.1 BENNINGTON WATER LINE EXTENSION

(a) Waiver of bond vote. The Town of Bennington shall receive a loan for the Operational Unit C / Chapel Road Project in an amount of up to \$1,500,000 to receive loan subsidy in the form of 100 percent principal forgiveness with no interest or administrative fee from funds authorized in 24 V.S.A. § 4753(a)(3). Notwithstanding the provisions of 24 V.S.A. § 4755(a)(3), the loan is not required to be evidenced by a municipal bond.

(b) Waiving reimbursement method required in statute. Notwithstanding the provisions of 24 V.S.A. § 4755(b), loan funds may be disbursed to the Town of Bennington for Operational Unit C / Chapel Road Project upon receipt by the Agency of Natural Resources of eligible project invoices without prior payment by the Town.

(c) Cost recovery of loan funds. The loan provided pursuant to this section is to implement a remedial action approved by the Agency of Natural Resources and shall be recoverable from any person responsible for the release of a hazardous material in the same manner as funds spent pursuant to 10 V.S.A. § 1283.

Sec. E.711.2 10 V.S.A. § 1283 is amended to read:

§ 1283. CONTINGENCY FUND

* * *

(b) Disbursements under this subsection may be made for emergency purposes or to respond to other than emergency situations; provided, however,

that disbursements in response to an individual situation that is not an emergency situation shall not exceed \$100,000.00 for costs attributable to each of the subdivisions of this subsection, unless the Secretary has received the approval of the General Assembly, or the Joint Fiscal Committee, in case the General Assembly is not in session. Furthermore, the balance in the Fund shall not be drawn below the amount of \$100,000.00, except in emergency situations. If the balance of the Fund becomes insufficient to allow a proper response to one or more emergencies that have occurred, the Secretary shall appear before the Emergency Board, as soon as possible, and shall request that necessary funds be provided. Within these limitations, disbursements from the Fund may be made:

* * *

(6) to pay administrative and field supervision costs incurred by the Secretary or by a municipality at the direction of the Secretary in carrying out the provisions of this subchapter. Annual disbursements, for these costs, to the Department of Environmental Conservation under this subdivision shall not exceed ~~2.0~~ 2.5 percent of annual revenues;

* * *

* * * TRANSPORTATION * * *

Sec. E.903 Transportation – program development

(a) Of the Transportation Funds appropriated in Sec. B.903 of this act, \$300,000 shall be allocated for an Electric Vehicle purchase or lease incentive program. This funding allocation in combination with the appropriation in Sec. C.100(b)(2) of this act provides a total funding amount of \$2,000,000 for an EV incentive program.

Sec. E.903.1 [Deleted.]

Sec. E.915 Transportation – town highway aid program

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 306(a).

* * * EFFECTIVE DATES * * *

Sec. F.100 EFFECTIVE DATES

(a) This section and Secs. C.100 (fiscal year 2019 one-time appropriations), C.101 (fiscal year 2019 one-time transfer), C.102 (fiscal year 2019 fund transfers, reversions and reserves), C.103 (fiscal year Tobacco Litigation Settlement Fund transfer and year end balance), C.104-C.107 (fiscal year 2019 budget adjustments; Legislative Branch), C.108-C.109 (fiscal year 2019 budget adjustments, Agency of Education), C.110-C.113 (fiscal year

2019 budget adjustments, teachers' retirement system and health and medical benefits), C.114 (Green Mountain Secure Retirement Plan), C.116 (fiscal year 2019 budget adjustment, one-time appropriations), E.112 (energy efficiency; State buildings and facilities), E.127–E.127.2 (Joint Fiscal Committee, grants acceptance language), E.233.1 (Public Service transfer), E.301.2 (mental health and substance use disorder workforce), E.312.1 (report; promotion of immunization), and E.711–E.711.1 (Bennington water line funding and extension), shall take effect upon passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. C.115 (special fund appropriation for tax computer systems) shall take effect on passage and shall apply retroactively to January 1, 2019.

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

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Toll of Danville** moved that the House refuse to concur and ask for a Committee of Conference which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Toll of Danville

Rep. Hooper of Montpelier

Rep. Fagan of Rutland City

**Rules Suspended; Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 529

Pending entrance of the bill on the Calendar for Notice, on motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

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

Was taken up for immediate consideration.

The Senate proposes to the House to amend the bill by striking 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 \$2,000,000.00 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>
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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 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.

* * * 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

Sources of funds

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

Sources of funds

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~~ 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, at a medical facility, police or fire department, or other safe and clean location as determined by the individual withdrawing blood, withdraw blood for the purpose of determining the presence of alcohol or ~~other another~~ drug. A law enforcement officer, even if trained to withdraw blood, acting in that official capacity may not withdraw blood for the purpose of determining the presence of alcohol or another drug. This limitation does These limitations do 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 \$2,000,000.00 as appropriated in the fiscal year 2020 budget 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) provide vouchers through the State's network of community action agencies and base eligibility for the point-of-sale voucher on the same criteria used for income qualification for weatherization services through the Weatherization Program and eligibility for the point-of-repair vouchers on the same criteria used for income qualification for Low Income Home Energy

Assistance Program (LIHEAP) through the State's Economic Services Division within the Department for Children and Families; 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~~ 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.

* * * * * 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.

* * * Renewal of Identification Cards * * *

Sec. 53. 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. 54. 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.

* * * Motor-Assisted Scooter Pilot Program * * *

Sec. 55. MOTOR-ASSISTED SCOOTER PILOT PROGRAM

(a) The cities of Burlington and Montpelier may conduct a motor-assisted scooter pilot program that shall run not longer than October 31, 2019.

(b) During the pilot program motor-assisted scooters, as defined in subsection (c) of this section, shall be regulated in the same way as a motor-assisted bicycle, as defined in 23 V.S.A. § 4(45)(B), and in accordance with 23 V.S.A. § 1136 except that, and notwithstanding 23 V.S.A. § 1137(a), a motor-assisted scooter shall not have a seat and must always be operated in stand-up mode.

(c) As used in this section, “motor-assisted scooter” means any device with not more than two small diameter wheels and a handlebar, that lacks a seat, is designed to operate in stand-up mode only, and has a motor that:

(1) has a power output of not more than 500 watts or .65 horsepower; and

(2) in itself or with human propulsion is capable of producing a top speed of not more than 20 miles per hour on a paved level surface when ridden by an operator who weighs 170 pounds.

* * * Effective Dates * * *

Sec. 56. 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), 47 (weight-based annual registration report), and 55 (motor-assisted scooter pilot program) 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.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. McCormack of Burlington** moved that the House refuse to concur and ask for a Committee of Conference which was agreed to, and the

Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. McCormack of Burlington

Rep. Corcoran of Bennington

Rep. Burke of Brattleboro

Committee of Conference Appointed

S. 95

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to municipal utility capital investment

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Sibilia of Dover

Rep. Briglin of Thetford

Rep. Yantachka of Charlotte

Committee of Conference Appointed

S. 40

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

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

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Webb of Shelburne

Rep. Gregoire of Fairfield

Rep. James of Manchester

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith.

H. 529

House bill, entitled

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

H. 542

House bill, entitled

An act relating to making appropriations for the support of government

Adjournment

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