

Journal of the Senate

WEDNESDAY, JUNE 10, 2020

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Roll Call

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Deborah J. Ingram Senator Virginia V. Lyons Senator Christopher A. Pearson Senator Michael D. Sirotkin
Essex-Orleans District	Senator Robert A. Starr
Franklin District	Senator Randolph D. Brock Senator Corey. J. Parent
Grand Isle District	Senator Richard T. Mazza
Rutland District	Senator Brian P. Collamore Senator Cheryl Mazzariello Hooker Senator James L. McNeil
Washington District	Senator Ann E. Cummings Senator Anthony Pollina
Windham District	Senator Rebecca A. Balint Senator Jeanette K. White

Windsor District

Senator Alison Clarkson
Senator Richard J. McCormack
Senator Alice W. Nitka

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 716.

An act relating to Abenaki hunting and fishing licenses.

To the Committee on Natural Resources and Energy.

H. 960.

An act relating to miscellaneous health care provisions.

To the Committee on Health and Welfare.

H. 961.

An act relating to making first quarter fiscal year 2021 appropriations for the support of State government, federal Coronavirus Relief Fund (CRF) appropriations, pay act appropriations, and other fiscal requirements for the first part of the fiscal year.

To the Committee on Appropriations.

Consideration Resumed; Bill Amended; Bill Passed in Concurrence with Proposal of Amendment

H. 750.

Consideration was resumed on House bill entitled:

An act relating to creating a National Guard provost marshal.

Thereupon, pending the question, Shall the bill be amended as proposed by Senators Hardy and Perchlik in the *second* proposal of amendment?, Senator Hardy requested and was granted leave to withdraw the proposal of amendment.

Thereupon, pending the question, Shall the bill be read a third time?, Senators Hardy and Perchlik moved that the Senate propose to the House amend the bill as follows:

In Sec. 1, 20 V.S.A. § 428, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Powers. The provost marshal and the assistant provost marshal shall have the same powers and immunities as those conferred on the State Police

by section 1914 of this title. The powers granted to the provost marshal and the assistant provost marshal under this section may be exercised statewide with respect to criminal activity in the National Guard only. Nothing in this subsection shall be construed to prevent an individual serving as the provost marshal or assistant provost marshal from working as an officer in another law enforcement agency or from exercising the law enforcement authority granted to officers working in that agency.

Which was agreed to.

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

Bill Passed in Concurrence

H. 254.

House bill of the following title was read the third time and passed in concurrence:

An act relating to adequate shelter for livestock.

Bill Amended; Third Reading Ordered

S. 224.

Senator Ingram, for the Committee on Education, to which was referred Senate bill entitled:

An act relating to evidence-based structured literacy instruction for students in kindergarten–grade 3 and students with dyslexia and to teacher preparation programs.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Postsecondary Educational Institutions; Closing * * *

Sec. 1. 16 V.S.A. § 175 is amended to read:

§ 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

(a)(1) The Association of Vermont Independent Colleges (AVIC) shall maintain a memorandum of understanding with each covered college, which are its member colleges and each college that was a member of AVIC within the prior year, under which each covered college agrees to:

(A) upon the request of AVIC, properly administer the student academic records of a covered college that fails to comply with the requirements of this subsection; and

(B) contribute on an equitable basis and in a manner determined in the sole discretion of AVIC to the costs of another covered college or other entity selected by AVIC, maintaining the records of a covered college that fails to comply with the requirements of this subsection.

(2)(A) If an institution of higher education is placed on probation by its accrediting agency, the institution shall:

(i) not later than five business days after learning that it has been placed on probation, inform the Secretary of Education of its status, and

(ii) not later than 60 days after being placed on probation, submit an academic record plan for students to the Secretary for approval.

(B) The academic record plan shall include an agreement with an institution of higher education or other entity to act as a repository for the institution's records, with funds set aside, if necessary, for the permanent maintenance of the academic records.

(C) If the Secretary does not approve the plan, the State may take action under subsections (d) and (e) of this section.

(3) When an institution of higher education, whether or not chartered in this State, proposes to discontinue the regular course of instruction, either permanently or for a temporary period other than a customary vacation period, the institution shall:

~~(1)(A)~~ promptly inform the ~~State Board~~ Secretary;

~~(2)(B)~~ prepare the academic record of each current and former student in a form satisfactory to the ~~State Board~~ Secretary and including interpretive information required by the ~~Board~~ Secretary; and

~~(3)(C)~~ deliver the records to a person designated by the ~~State Board~~ Secretary to act as permanent repository for the institution's records, together with the reasonable cost of entering and maintaining the records.

(b) Persons acting as a repository may microfilm records received under this section.

(c) Students and former students of the discontinuing institution shall be entitled to verified copies of their academic records upon payment of a reasonable fee.

(d) When an institution of higher education is unable or unwilling to comply substantially with the record preparation and delivery requirements of subsection (a) of this section, the ~~State Board~~ Secretary shall bring an action in Superior Court to compel compliance with this section, and may in a proper case obtain temporary custody of the records.

(e) When an institution of higher education is unable or unwilling to comply with the requirements of subsection (a) of this section, the ~~State Board Secretary~~ may expend State funds necessary to ensure the proper storage and availability of the institution's records. The Attorney General shall then seek recovery under this subsection, in the name of the State, of all of the State's incurred costs and expenses, including attorney's fees, arising from the failure to comply. Claims under this subsection shall be a lien on all the property of a defaulting institution, until all claims under this subsection are satisfied. The lien shall take effect from the date of filing notice thereof in the records of the town or towns where property of the defaulting institution is located.

(f) The State Board shall adopt rules under this section for its proper administration. The rules may include provisions for preparing and maintaining transferred records. Persons acting as a repository of records are bound only by maintenance provisions to which they agreed before receiving transferred records.

~~(g) The Association of Vermont Independent Colleges (AVIC) shall maintain a memorandum of understanding with each of its member colleges under which each member college agrees to:~~

~~(1) upon the request of AVIC, properly administer the student records of a member college that fails to comply with the requirements of subsection (a) of this section; and~~

~~(2) contribute on an equitable basis and in a manner determined in the sole discretion of AVIC to the costs of another AVIC member or other entity selected by AVIC maintaining the records of a member college that fails to comply with the requirements of subsection (a) of this section.~~

Sec. 2. TRANSITION

On or before August 1, 2020, the Association of Vermont Independent Colleges (AVIC) shall amend its memorandum of understanding with its member colleges under 16 V.S.A. § 175 to require that each member college that terminates its membership with AVIC continue to comply with the terms of the memorandum for a period of one year after the date of termination.

* * * Oath; Repeal * * *

Sec. 3. 16 V.S.A. § 12 is amended to read:

§ 12. OATH

~~A superintendent, a principal or teacher in a public school of the State, a professor, instructor, or teacher who will be employed by a university or college in the State that is supported in whole or in part by public funds, or a headmaster or teacher who will be employed by an independent school or~~

~~other educational institution accepted by the Agency as furnishing equivalent education, before entering upon the discharge of his or her duties, shall subscribe to an oath or affirmation to support the U.S. Constitution, the Vermont Constitution, and all State and federal laws; provided, however, that an oath shall not be required of any person who is a citizen of a foreign country. [Repealed.]~~

* * * Small School Support * * *

Sec. 4. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) ~~In~~ As used in this section:

* * *

(2) “Enrollment” means the number of students who are enrolled in a school operated by the district on October 1. A student shall be counted as one whether the student is enrolled as a full-time or part-time student. Students enrolled in prekindergarten programs shall not be counted.

* * *

* * * School Wellness * * *

Sec. 5. 16 V.S.A. § 136 is amended to read:

§ 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS
AND COMPREHENSIVE HEALTH

(a) As used in this section:

* * *

(5) “Wellness program” means a program that includes comprehensive health education as defined in section 131 of this title, fitness, and nutrition.

(b) ~~The Secretary with the approval of the State Board shall establish an Advisory Council on Wellness and Comprehensive Health that shall include at least three members with expertise in health services, health education, or health policy associated with the health services field. The members shall serve without compensation but shall receive their actual expenses incurred in connection with their duties relating to wellness and comprehensive health programs. The Council shall assist the Agency to plan, coordinate, and encourage wellness and comprehensive health programs in the public schools, and shall meet not less than twice a year.~~

(c) The Secretary shall collaborate with other agencies and councils working on childhood wellness to:

(1) Supervise the preparation of appropriate ~~nutrition and fitness wellness program~~ curricula for use in the public schools, promote programs for the preparation of teachers to teach these curricula, and assist in the development of wellness programs.

* * *

~~(5) Create a process for schools to share with the Department of Health any data collected about the height and weight of students in kindergarten through grade six. The Commissioner of Health may report any data compiled under this subdivision on a countywide basis. Any reporting of data must protect the privacy of individual students and the identity of participating schools.~~

* * *

Sec. 6. SCHOOL WELLNESS POLICY

On or before January 15, 2021, the Agency of Education, in collaboration with the Advisory Council on Wellness and Comprehensive Health created under 16 V.S.A. § 136, shall update and distribute to school districts a model wellness program policy, using the expanded definition of “wellness program” under 16 V.S.A. § 136, as amended by this act, that shall:

(1) be in compliance with all relevant State and federal laws; and

(2) reflect nationally accepted best practices for comprehensive health education and school wellness policies, such as guidance from the Centers for Disease Control and Prevention’s Whole School, Whole Community, Whole Child Model.

* * * Electoral Functions; Unified Union School District * * *

Sec. 7. ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

(a) Notwithstanding any provision of law to the contrary, the election of a director to the board of a unified union school district who is to serve on the board after the expiration of the term for an initial director shall be held at the unified union school district’s annual meeting unless otherwise provided in the district’s articles of agreement.

(b) Notwithstanding any provision of law to the contrary, if a vacancy occurs on the board of a unified union school district, and the vacancy is in a seat that is allocated to a specific town, the clerk of the unified union school district shall immediately notify the selectboard of the town. Within 30 days after the receipt of that notice, the unified union school district board, in consultation with the selectboard, shall appoint a person who is otherwise eligible to serve as a member of the unified union school district board to fill

the vacancy until an election is held at an annual or special meeting, unless otherwise provided in accordance with the unified union school district's articles of agreement.

(c) This section is repealed on July 1, 2021.

Sec. 8. ELECTORAL FUNCTIONS; UNION SCHOOL DISTRICT;
MEMBER DISTRICT THAT IS ALSO A UNION SCHOOL
DISTRICT

(a) If a union elementary or union high school district has a member district that is also a union school district, then the legislative body or appropriate officer of each city, town, or incorporated village within the member union school district shall perform electoral functions on behalf of the union elementary or union high school district, including accepting nominations, warning meetings, and conducting elections and the voting process on other matters, when those functions are ordinarily performed by and in member town districts on behalf of a union school district.

(b) This section is repealed on July 1, 2021.

* * * Menstrual Hygiene Products * * *

Sec. 9. 16 V.S.A. § 1432 is added to read:

§ 1432. MENSTRUAL HYGIENE PRODUCTS

(a) By enacting this statute, the General Assembly intends to ensure that a female student attending a public school or an approved independent school has access to menstrual hygiene products at no cost and without the embarrassment of having to request them.

(b) A school district and an approved independent school shall make menstrual hygiene products available at no cost in a majority of gender-neutral bathrooms and bathrooms designated for females that are generally used by females in any of grades five through 12 in each school within the district or under the jurisdiction of the board of the independent school. The school district or independent school, in consultation with the school nurse who provides services to the school, shall determine which of the gender-neutral bathrooms and bathrooms designated for females to stock with menstrual hygiene products and which brands to use.

(c) School districts and approved independent schools shall bear the cost of supplying menstrual hygiene products and may seek grants or partner with a nonprofit or community-based organization to fulfill this obligation.

* * * Special Education; Technical Changes * * *

Sec. 10. 16 V.S.A. § 2961 is amended to read:

§ 2961. CENSUS GRANT

(a) As used in this section:

* * *

(3) “Long-term membership” of a supervisory union in any school year means the average of the supervisory union’s average daily membership over the most recent three school years for which data are available.

(4) “Uniform base amount” means an amount determined by:

(A) dividing an amount:

(i) equal to the average State appropriation for fiscal years 2018, 2019, and 2020 for special education under sections 2961 (standard mainstream block grants), 2963 (special education expenditures reimbursement), and 2963a (exceptional circumstances) of this title; and

(ii) increased by the annual change in the National Income and Product Accounts (NIPA) Implicit Price Deflator for State and Local Government Consumption Expenditures and Gross Investment as reported by the U.S. Department of Commerce, Bureau of Economic Analysis; by

(B) ~~the statewide average daily membership for prekindergarten through grade 12 for the 2019–2020 school year~~ long-term membership.

* * *

(d)(1)(A) For fiscal year ~~2021~~ 2022, the amount of the census grant for a supervisory union shall be:

(i) the average amount it received for fiscal years 2017, 2018, and 2019 from the State for special education under sections 2961 (standard mainstream block grants), 2963 (special education expenditures reimbursement), and 2963a (exceptional circumstances) of this title; increased by

(ii) the annual change in the National Income and Product Accounts (NIPA) Implicit Price Deflator for State and Local Government Consumption Expenditures and Gross Investment as reported by the U.S. Department of Commerce, Bureau of Economic Analysis.

(B) The amount determined under subdivision (A) of this subdivision (1) shall be divided by the supervisory union’s long-term membership, to determine the base amount of the census grant, which is the amount of the census grant calculated on a per student basis.

(2) For fiscal year ~~2025~~ 2026 and subsequent fiscal years, the amount of the census grant for a supervisory union shall be the uniform base amount multiplied by the supervisory union's long-term membership.

(3) For fiscal years ~~2022, 2023, and 2024~~ 2023, 2024, and 2025, the amount of the census grant for a supervisory union shall be determined by multiplying the supervisory union's long-term membership by a base amount established under this subdivision. The base amounts for each supervisory union for fiscal years ~~2022, 2023, and 2024~~ 2023, 2024, and 2025 shall move gradually the supervisory union's fiscal year ~~2021~~ 2022 base amount to the fiscal year ~~2025~~ 2026 uniform base amount by prorating the change between the supervisory union's fiscal year ~~2021~~ 2022 base amount and the fiscal year ~~2025~~ 2026 uniform base amount over this three-fiscal-year period.

Sec. 11. 16 V.S.A. § 2967 is amended to read:

§ 2967. AID PROJECTION

(a) On or before December 15, the Secretary shall publish an estimate, by each supervisory union, of its anticipated State special education ~~expenditures~~ funding under this chapter for the ensuing school year.

(b) As used in this section, State special education ~~expenditures~~ funding shall include:

(1) ~~costs~~ funds eligible for grants and reimbursements under sections 2961 and 2962 of this title;

(2) ~~costs~~ funds for services for persons who are visually impaired;

(3) ~~costs~~ funds for persons who are deaf or hard of hearing;

(4) ~~costs~~ funds for the interdisciplinary team program;

(5) funds expended for training and programs to meet the needs of students with emotional or behavioral challenges under subsection 2969(c) of this title; and

(6) funds expended for training under subsection 2969(d) of this title.

Sec. 12. 16 V.S.A. § 2975 is amended to read:

§ 2975. UNUSUAL SPECIAL EDUCATION COSTS; FINANCIAL ASSISTANCE

The Secretary may use ~~up to two percent of the funds appropriated for allowable special education expenditures, as that term is defined in State Board of Education rules, to directly assist supervisory unions with special education expenditures of an unusual or unexpected nature~~ funds for allowable special education expenditures, as defined in State Board of Education rules, to

directly assist supervisory unions with special education expenditures of an unusual or unexpected nature. These funds shall be appropriated in the amount of two percent times the Census Grant as defined in section 2961 of this title. The Secretary's decision regarding a supervisory union's eligibility for and amount of assistance shall be final.

Sec. 13. 2018 Acts and Resolves No. 173, Sec. 17 is amended to read:

Sec. 17. TRANSITION

(a) Notwithstanding the requirement under 16 V.S.A. § 2964 for a supervisory union to submit a service plan to the Secretary of Education, a supervisory union shall not be required to submit a service plan for fiscal year ~~2021~~ 2022.

(b) On or before November 1, ~~2019~~ 2020, a supervisory union shall submit to the Secretary such information as required:

(1) by the Secretary to estimate the supervisory union's projected fiscal year ~~2021~~ 2022 extraordinary special education reimbursement under Sec. 5 of this act; and

(2) for IDEA reporting in a format specified by the Secretary.

(c) The Agency of Education shall assist supervisory unions as they transition to the census-based funding model in satisfying their maintenance of effort requirements under federal law.

Sec. 14. 2018 Acts and Resolves No. 173, Sec. 18 is amended to read:

Sec. 18. TRANSITION FOR ALLOWABLE SPECIAL EDUCATION COSTS

* * *

(b) This section is repealed on July 1, ~~2020~~ 2021.

* * * Gender Balance; UVM and VSC Boards * * *

Sec. 15. GENDER BALANCE; UNIVERSITY OF VERMONT AND VERMONT STATE COLLEGES BOARDS

(a) The Board of Trustees of the University of Vermont (UVM) currently is composed of an overwhelming majority of men, with 20 men and five women. The Board of Trustees of the Vermont State Colleges (VSC) currently has gender balance on its Board.

(b) The State goal is to have the UVM Board achieve gender balance by 2025 and maintain it thereafter and the VSC Board maintain gender balance. Gender balance means, for the UVM Board, that the 25 member Board is composed of 12 or 13 members who identify as women and for the VSC

Board, that the 15 member Board is composed of seven or eight members who identify as women. The UVM self-perpetuating Board members have an obligation to address the Board's gender imbalance in their appointment of trustees.

(c) Given that the UVM and VSC Boards have four categories of trustees, which include those appointed by the Governor, those appointed by the General Assembly, and those appointed by the self-perpetuating trustees, as well as student trustees, it is also incumbent on the Legislative and Executive Branches to undertake efforts to further the State goal in achieving and maintaining gender balance on these Boards.

(d) On or before January 31, 2021 and annually thereafter, as part of their annual budget presentations to the General Assembly, UVM and VSC shall provide, at a minimum, the most recent five years of information on the gender composition of their respective Boards of Trustees. This information shall include the appointing entity, initial appointment date, and length of service and shall summarize recruitment and replacement strategies employed for recently expired and imminently expiring Trustee positions.

* * * Proficiency-based Education; Appropriation * * *

Sec. 16. PROFICIENCY BASED EDUCATION; APPROPRIATION

(a) To support school districts in the implementation of proficiency-based education, the Agency of Education provides funding for projects that focus on school and systems-based proficiency efforts that are designed to:

(1) develop consistent frameworks, particularly for grading and reporting but also for instructional practices and coordinated curricula; and

(2) ensure all students graduate career and college ready.

(b) The sum of \$400,000.00 is appropriated to the Agency of Education from the Education Fund for fiscal year 2021 to support school districts that have faced challenges in the implementation of proficiency-based education, particularly with respect to grading and reporting.

* * * Effective Dates * * *

Sec. 17. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 10–12 shall take effect on July 1, 2021, and school districts and approved independent schools shall comply with the requirements of Sec. 9 of this act for the 2021–2022 school year and thereafter.

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

An act relating to making miscellaneous changes to education laws.

And that when so amended the bill ought to pass.

Senator McCormack, for the Committee on Appropriations, to which the bill was referred, recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Postsecondary Educational Institutions; Closing * * *

Sec. 1. 16 V.S.A. § 175 is amended to read:

§ 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

(a)(1) The Association of Vermont Independent Colleges (AVIC) shall maintain a memorandum of understanding with each covered college, which are its member colleges and each college that was a member of AVIC within the prior year, under which each covered college agrees to:

(A) upon the request of AVIC, properly administer the student academic records of a covered college that fails to comply with the requirements of this subsection; and

(B) contribute on an equitable basis and in a manner determined in the sole discretion of AVIC to the costs of another covered college or other entity selected by AVIC, maintaining the records of a covered college that fails to comply with the requirements of this subsection.

(2)(A) If an institution of higher education is placed on probation by its accrediting agency, the institution shall:

(i) not later than five business days after learning that it has been placed on probation, inform the Secretary of Education of its status, and

(ii) not later than 60 days after being placed on probation, submit an academic record plan for students to the Secretary for approval.

(B) The academic record plan shall include an agreement with an institution of higher education or other entity to act as a repository for the institution's records, with funds set aside, if necessary, for the permanent maintenance of the academic records.

(C) If the Secretary does not approve the plan, the State may take action under subsections (d) and (e) of this section.

(3) When an institution of higher education, whether or not chartered in this State, proposes to discontinue the regular course of instruction, either permanently or for a temporary period other than a customary vacation period, the institution shall:

(1)(A) promptly inform the State Board Secretary;

~~(2)(B)~~ prepare the academic record of each current and former student in a form satisfactory to the ~~State Board Secretary~~ and including interpretive information required by the ~~Board Secretary~~; and

~~(3)(C)~~ deliver the records to a person designated by the ~~State Board Secretary~~ to act as permanent repository for the institution's records, together with the reasonable cost of entering and maintaining the records.

(b) Persons acting as a repository may microfilm records received under this section.

(c) Students and former students of the discontinuing institution shall be entitled to verified copies of their academic records upon payment of a reasonable fee.

(d) When an institution of higher education is unable or unwilling to comply substantially with the record preparation and delivery requirements of subsection (a) of this section, the ~~State Board Secretary~~ shall bring an action in Superior Court to compel compliance with this section, and may in a proper case obtain temporary custody of the records.

(e) When an institution of higher education is unable or unwilling to comply with the requirements of subsection (a) of this section, the ~~State Board Secretary~~ may expend State funds necessary to ensure the proper storage and availability of the institution's records. The Attorney General shall then seek recovery under this subsection, in the name of the State, of all of the State's incurred costs and expenses, including attorney's fees, arising from the failure to comply. Claims under this subsection shall be a lien on all the property of a defaulting institution, until all claims under this subsection are satisfied. The lien shall take effect from the date of filing notice thereof in the records of the town or towns where property of the defaulting institution is located.

(f) The State Board shall adopt rules under this section for its proper administration. The rules may include provisions for preparing and maintaining transferred records. Persons acting as a repository of records are bound only by maintenance provisions to which they agreed before receiving transferred records.

~~(g) The Association of Vermont Independent Colleges (AVIC) shall maintain a memorandum of understanding with each of its member colleges under which each member college agrees to:~~

~~(1) upon the request of AVIC, properly administer the student records of a member college that fails to comply with the requirements of subsection (a) of this section; and~~

~~(2) contribute on an equitable basis and in a manner determined in the sole discretion of AVIC to the costs of another AVIC member or other entity selected by AVIC maintaining the records of a member college that fails to comply with the requirements of subsection (a) of this section.~~

Sec. 2. TRANSITION

On or before August 1, 2020, the Association of Vermont Independent Colleges (AVIC) shall amend its memorandum of understanding with its member colleges under 16 V.S.A. § 175 to require that each member college that terminates its membership with AVIC continue to comply with the terms of the memorandum for a period of one year after the date of termination.

* * * Oath; Repeal * * *

Sec. 3. 16 V.S.A. § 12 is amended to read:

§ 12. OATH

~~A superintendent, a principal or teacher in a public school of the State, a professor, instructor, or teacher who will be employed by a university or college in the State that is supported in whole or in part by public funds, or a headmaster or teacher who will be employed by an independent school or other educational institution accepted by the Agency as furnishing equivalent education, before entering upon the discharge of his or her duties, shall subscribe to an oath or affirmation to support the U.S. Constitution, the Vermont Constitution, and all State and federal laws; provided, however, that an oath shall not be required of any person who is a citizen of a foreign country. [Repealed.]~~

* * * Small School Support * * *

Sec. 4. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) ~~In~~ As used in this section:

* * *

(2) “Enrollment” means the number of students who are enrolled in a school operated by the district on October 1. A student shall be counted as one whether the student is enrolled as a full-time or part-time student. Students enrolled in prekindergarten programs shall not be counted.

* * *

* * * Electoral Functions; Union School Districts * * *

Sec. 5. ELECTORAL FUNCTIONS; UNION SCHOOL DISTRICT;
MEMBER DISTRICT THAT IS ALSO A UNION SCHOOL
DISTRICT

(a) If a union elementary or union high school district has a member district that is also a union school district, then the legislative body or appropriate officer of each city, town, or incorporated village within the member union school district shall perform electoral functions on behalf of the union elementary or union high school district, including accepting nominations, warning meetings, and conducting elections and the voting process on other matters, when those functions are ordinarily performed by and in member town districts on behalf of a union school district.

(b) This section is repealed on July 1, 2021.

* * * Gender Balance; UVM and VSC Boards * * *

Sec. 6. GENDER BALANCE; UNIVERSITY OF VERMONT AND
VERMONT STATE COLLEGES BOARDS

(a) The Board of Trustees of the University of Vermont (UVM) currently is composed of an overwhelming majority of men, with 20 men and five women. The Board of Trustees of the Vermont State Colleges (VSC) currently has gender balance on its Board.

(b) The State goal is to have the UVM Board achieve gender balance by 2025 and maintain it thereafter and the VSC Board maintain gender balance. Gender balance means, for the UVM Board, that the 25 member Board is composed of 12 or 13 members who identify as women and for the VSC Board, that the 15 member Board is composed of seven or eight members who identify as women. The UVM self-perpetuating Board members have an obligation to address the Board's gender imbalance in their election of trustees.

(c) Given that the UVM and VSC Boards have four categories of trustees, which include those appointed by the Governor, those elected by the General Assembly, and those elected by the self-perpetuating trustees, as well as student trustees, it is also incumbent on the Legislative and Executive Branches to undertake efforts to further the State goal in achieving and maintaining gender balance on these Boards.

(d) On or before January 31, 2021 and annually thereafter, as part of their annual budget presentations to the General Assembly, UVM and VSC shall provide, at a minimum, the most recent five years of information on the gender composition of their respective Boards of Trustees. This information shall include the appointing entity, initial appointment date, and length of service

and shall summarize recruitment and replacement strategies employed for recently expired and imminently expiring Trustee positions.

* * * Effective Date * * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to making miscellaneous changes to education laws.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of amendment of the Committee on Education was amended as recommended by the Committee on Appropriations.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Education?, as amended, Senator Sears moved to amend the recommendation of the Committee on Education, as amended as follows:

By striking out Sec. 6 in its entirety and inserting in lieu thereof the following:

Sec. 6. 16 V.S.A. App. chapter 1, § 1-2 is amended to read:

§ 1-2. BOARD OF TRUSTEES; MEMBERSHIP, TERMS OF SERVICE;
PRESIDING CHAIR

The Board of Trustees of the University of Vermont and State Agricultural College shall be composed of ~~25~~ 16 members, whose term of office shall be six years, except as to those who are members ex officio and to those who are student members. Three members shall be appointed by the Governor with the consent of the Senate. ~~During the legislative session of 1955, the Governor shall appoint one member for a term of two years, one member for a term of four years, and one member for a term of six years and it~~ It shall be the duty of the Governor during the session of the Legislature prior to expiration of the term of office of any of the members to appoint for the term of six years a successor to the member whose term is expiring. The terms of office of the Trustees shall expire on the last day of February in the respective years of expiration, and the terms of office of their successors shall thereafter begin on March 1 and expire on the last day of February.

~~Nine members shall be those who have been heretofore elected by the Legislature as members of the Board of Trustees of the University of Vermont and State Agricultural College, and whose terms have not expired, and their~~

~~successors, and it shall be the duty of the Legislature at its session during which the terms of office of any class of the members expire to elect three successor members for terms of six years. The terms shall commence on March 1 in the year of election. The nine Trustees and their successors shall also constitute the Board of Trustees of the Vermont Agricultural College.~~

No member of the Vermont General Assembly shall serve as a member of the Board of Trustees of the University of Vermont and State Agricultural College. If a sitting member of the Board is elected and chooses to serve in the Vermont General Assembly, he or she shall resign his or her Board membership prior to taking the oath of office to serve in the General Assembly.

* * *

Sec. 7. 2 V.S.A. § 10 is amended to read:

§ 10. ELECTION OF STATE AND JUDICIAL OFFICERS

(a) At 10 o'clock and 30 minutes, forenoon, on the seventh Thursday after their biennial meeting and organization, the Senate and House of Representatives shall meet in joint assembly and proceed therein to elect the State officers, except judicial officers, whose election by the Constitution and laws devolves in the first instance upon them in joint assembly, including the Sergeant at Arms, and the Adjutant and Inspector General, ~~and legislative trustees of the University of Vermont and State Agricultural College.~~ In case election of all such officers shall not be made on that day, they shall meet in joint assembly at 10 o'clock and 30 minutes, forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

* * *

Sec. 8. TRANSITION

The term of any current legislative member of the Board of Trustees of the University of Vermont and State Agricultural College shall expire on July 1, 2020.

Sec. 9. GENDER BALANCE; UNIVERSITY OF VERMONT AND VERMONT STATE COLLEGES BOARDS

(a) The Board of Trustees of the University of Vermont and State Agricultural College (UVM) currently is composed of an overwhelming majority of men, with 20 men and five women. The Board of Trustees of the Vermont State Colleges (VSC) currently has gender balance on its Board.

(b) The State goal is to have the UVM Board achieve gender balance by 2025 and maintain it thereafter and the VSC Board maintain gender balance. The number of Trustees on the UVM Board shall be reduced on July 1, 2020 from 25 to 16 under this act. Gender balance means, for the UVM Board, that the 16-member Board is composed of eight members who identify as women and for the VSC Board, that the 15-member Board is composed of seven or eight members who identify as women. The UVM self-perpetuating Board members have an obligation to address the Board's gender imbalance in their election of trustees.

(c) Given that the UVM Board includes those appointed by the Governor and the VSC Board includes those appointed by the Governor and the General Assembly, it is also incumbent on the Executive and Legislative Branches to undertake efforts to further the State goal in achieving and maintaining gender balance on these Boards.

(d) On or before January 31, 2021 and annually thereafter, as part of their annual budget presentations to the General Assembly, UVM and VSC shall provide, at a minimum, the most recent five years of information on the gender composition of their respective Boards of Trustees. This information shall include the appointing entity, initial appointment date, and length of service and shall summarize recruitment and replacement strategies employed for recently expired and imminently expiring Trustee positions.

And the remaining section be renumbered to be numerically correct.

Thereupon, pending the question, Shall the recommendation of amendment of the Committee on Education?, as amended, be amended as recommended by Senator Sears?, Senator Sears requested and was granted leave to withdraw the recommendation of amendment.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Education, as amended?, was decided in the affirmative and third reading of the bill was ordered.

Bill Amended; Bill Passed

S. 227.

Senate bill entitled:

An act relating to the provision of personal care products by lodging establishments.

Was taken up.

Thereupon, pending third reading of the bill, Senator Bray moved to amend the bill by in Sec. 2, 4 V.S.A. § 1102 (Judicial Bureau jurisdiction), in

subdivision (b)(30), by striking out the words “plastic bottles” and inserting in lieu thereof the word containers

Which was agreed to.

Thereupon, the bill was read the third time and passed.

Bill Passed in Concurrence

H. 635.

House bill of the following title was read the third time and passed in concurrence:

An act relating to regulation of long-term care facilities.

Bill Passed in Concurrence with Proposals of Amendment

H. 936.

House bill of the following title was read the third time and passed in concurrence with proposals of amendment:

An act relating to sexual exploitation of children.

Rules Suspended; Bills Messaged

On motion of Senator Ashe, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

S. 227, H. 254, H. 635, H. 750, H. 936.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, June 11, 2020.