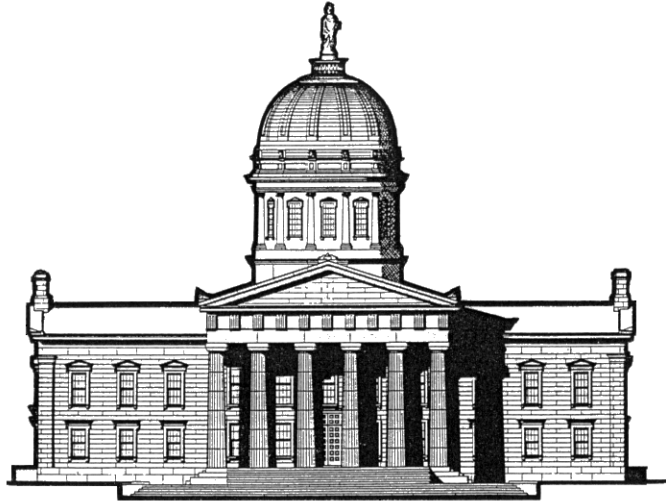


STATE OF VERMONT



SUMMARY OF THE ACTS
of the
2018 VERMONT GENERAL ASSEMBLY
2018 (2017 Adjourned Session)
and 2018 Special Session

[Note: This document is current as of July 11, 2018.]

*It is divided into three sections:
2018 Acts (2017 Adj. Sess.), 2018 Municipal Acts, and 2018 Special Session Acts)
Further summaries will be posted as they become available.]*

**Prepared by the
Office of Legislative Council**

2018 ACTS (2017 ADJ. SESS.)

These act summaries are provided for the convenience of the public and members of the General Assembly. They are intended to provide a general summary of the acts and may not be exhaustive. They have been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. They are not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 86 (H.511). Crimes and criminal procedure; marijuana

An act relating to eliminating penalties for possession of limited amounts of marijuana by adults 21 years of age or older

This act removes civil and criminal penalties for possession of one ounce of marijuana and two mature and four immature marijuana plants by adults 21 years of age or older. Any marijuana harvested from the plants allowed does not count toward the one-ounce possession limit. Each dwelling unit is limited to two mature marijuana plants and four immature marijuana plants regardless of how many persons 21 years of age or older reside in the dwelling unit. Personal cultivation of marijuana may only occur: (A) on property lawfully in the possession of the cultivator or with the written consent of the person in lawful possession of the property; and (B) in an enclosure that is screened from public view and is secure so that access is limited to only the cultivator and persons 21 years of age or older who have permission from the cultivator. Consumption of marijuana in a public place or in a vehicle is prohibited as is possession of an open container of marijuana in a vehicle, and violations are subject to civil penalties. Various crimes are created related to dispensing marijuana to a person under 21 years of age, enabling marijuana consumption by a person under 21 years of age, and using marijuana in a vehicle while in the presence of a person under 18 years of age.

Multiple effective dates, beginning on January 22, 2018

Act No. 87 (H.633). Appropriations and finance

An act relating to fiscal year 2018 budget adjustments

This act is the fiscal year 2018 budget adjustment act. For more information, see the website of the Joint Fiscal Office at http://www.leg.state.vt.us/jfo/budget_fy2018.aspx

Act No. 88 (S.19). Health; health insurance; Vermont Health Benefit Exchange; reflective silver plans

An act relating to allowing silver-level nonqualified health benefit plans to be offered outside the Vermont Health Benefit Exchange

This act allows health insurers to offer silver-level nonqualified health benefit plans outside the Vermont Health Benefit Exchange in the event that federal cost-sharing reduction payments to insurers are suspended or discontinued. These “reflective” silver plans must be similar to, but contain at least one variation from, silver-level qualified health benefit plans offered through the Exchange. Reflective silver plans do not include funding to offset the loss of the federal cost-sharing reduction payments.

Effective Date: February 20, 2018

Act No. 89 (S.149). Property; State Land; Forests, Parks and Recreation

An act relating to the authority of the Department of Forests, Parks and Recreation to enter into land transactions

This act amends the authorities relating to land transactions entered into by the Department of Forests, Parks and Recreation as follows:

Sec. 1 amends 10 V.S.A. § 2606 (10 V.S.A. chapter 83) to expand the type of land that the Commissioner of Forests, Parks and Recreation may accept as a gift with the approval of the Governor. Sec. 1 also expands the scope of land transactions that the Commissioner of Forests, Parks and Recreation may enter into with the approval of the General Assembly, which may be granted by resolution.

Sec. 2 amends 29 V.S.A. § 166 to exempt land transactions authorized under 10 V.S.A. chapter 83 from the Commissioner of Buildings and General Services’ statutory requirements relating to leasing land or selling land or interests in land.

Sec. 3 provides that this act shall not be interpreted to affect any prior authorizations for land transactions granted under 10 V.S.A. § 2606 or any joint resolution of the General Assembly.

Effective Date: February 28, 2018

Act No. 90 (H.694). Insurance; captive insurance companies

An act relating to captive insurance companies

This act makes various amendments to Vermont laws concerning captive insurance companies, including changing the date on which the premium tax is due, designating the Commissioner of Financial Regulation as the agent of a branch captive insurance company for purposes of service of process, and amending the governance standards applicable to risk retention groups.

Effective Date: March 8, 2018

Act No. 91 (H.150). Corrections; parole

An act relating to parole eligibility

This act amends the eligibility standard for an inmate's release on parole or furlough for a medical condition from a "debilitating" medical condition to a "serious" medical condition. This act also requires that in order for an inmate to be eligible for release on parole for a serious medical condition, an inmate must authorize release of his or her personal health information. In addition, the act defines a serious medical condition as a condition that is not caused by noncompliance with a medical treatment plan.

Effective Date: July 1, 2018

Act No. 92 (H.422). Crimes and criminal procedures; firearms; domestic assault

An act relating to removal of firearms from a person arrested or cited for domestic assault

This act authorizes a law enforcement officer to remove a firearm from a person the officer arrests or cites for committing the crime of domestic assault if: (1) the firearm is obtained pursuant to a search warrant or to a judicially recognized exception to the warrant requirement; and (2) the removal is necessary for the protection of the officer, the alleged victim, the person being arrested or cited, or a family member of the alleged victim or of the person being arrested or cited. If the firearm is removed, the defendant must be arraigned in court on the next business day after the citation is issued except for good cause shown. At the arraignment, the court must return the firearm to the person from whom it was taken unless: (1) the firearm is being or may be used as evidence in a pending criminal or civil proceeding; (2) the court orders relinquishment of the firearm in connection with a relief from abuse or similar order; (3) the person is prohibited by law from possessing a firearm; or (4) the court imposes a condition of release requiring the defendant not to possess a firearm. If the court does order that the firearm be returned, the law enforcement agency

in possession of it must make it available to the owner within three business days.

Effective Date: September 1, 2018

Act No. 93 (H.829). Municipal government; grand jurors

An act relating to appointing town grand jurors

This act eliminates the requirement that each town annually elect a grand juror and instead gives a town selectboard the discretion to appoint such an officer. While the position does not seem to be used often in current practice, references to grand jurors are sprinkled throughout the Vermont Statutes Annotated, giving these officers specified powers that are mostly similar to either a prosecutor or a law enforcement officer acting on behalf of a town. The act eliminates these statutory references to grand jurors in the V.S.A. and in some cases allows a town selectboard to designate a person to perform a power previously granted to an elected town grand juror.

Effective Date: July 1, 2018

Act No. 94 (S.55). Crimes and criminal procedures; firearms

An act relating to the disposition of unlawful and abandoned firearms

This act: (1) establishes the authority of the Department of Public Safety to transfer firearms in its possession to the Department of Buildings and General Services for sale to federally licensed firearms dealers; (2) requires that background checks be conducted on most private firearms sales; (3) prohibits, with certain exceptions, the sale of firearms to persons under 21 years of age; (4) prohibits, with certain exceptions, the manufacture, possession, transfer, sale, purchase, or receipt or import into Vermont of large capacity ammunition feeding devices, which are defined to be magazines and similar devices capable of accepting more than 10 rounds of ammunition for a long gun or more than 15 rounds of ammunition for a hand gun; and (5) prohibits the possession of bump-fire stocks as of October 1, 2018.

Multiple effective dates, beginning on April 11, 2018

Act No. 95 (S.128). Open meetings; Executive Branch; municipal government

An act relating to executive sessions under the Open Meeting Law

This act expands an existing provision in the Open Meeting Law that allows public bodies to vote to enter into executive sessions to discuss “municipal or school” security or response measures by eliminating the requirement that the measures relate to a municipality or school.

Effective Date: April 11, 2018

Act No. 96 (S.169). General provisions; solemnizing marriage

An act relating to nonresident clergy authorized to solemnize marriages

This act reorganizes the statute authorizing clergy members and other individuals to solemnize a marriage, and clarifies that only clergy members residing outside of Vermont and affiliated with a religious organization that lies wholly outside Vermont require special authorization from the Probate Division of the Superior Court to solemnize a marriage.

Effective Date: April 11, 2018

Act No. 97 (S.221). Firearms and dangerous weapons; extreme risk protection orders

An act relating to establishing extreme risk protection orders.

This act establishes a procedure for a State’s Attorney or the Attorney General to obtain a court order, called an Extreme Risk Protection Order (known as an ERPO) that prohibits a person from possessing a firearm or explosive for up to six months if the court finds that the person’s possession of the weapon poses an extreme risk of harm to the person or to other people. The court may issue an ex parte ERPO that lasts for up to 14 days if it finds that the person possessing the weapons poses an imminent and extreme risk of causing harm to himself or herself or another person by having a dangerous weapon. A person who intentionally violates an extreme risk protection order after being served with notice of its contents or a person who files a petition for the order knowing that information in the petition is false or with the intent to harass the weapon owner is subject to one year of imprisonment or a fine of \$1,000.00, or both.

Effective Date: April 11, 2018

Act No. 98 (S.291). Municipal law; unified towns and gores in Essex County; appraisers and annual meeting

An act relating to the annual town meeting of the unified towns and gores of Essex County

This act amends statutes relating to the unified towns and gores in Essex County (UTGs). Sec. 1 allows the UTG Board of Governors to appoint UTG appraisers who need only be residents of Essex County, rather than requiring the appraisers to be residents of the UTG gores. Sec. 2 changes the date of the UTG annual meeting to the second Saturday in September. Sec. 3 makes a technical correction. Sec. 4 repeals 32 V.S.A. § 1228, which specified the payments to be made to the UTG appraisers.

Effective Date: April 11, 2018

Act No. 99 (H.846). Municipal government; general municipal law; special charter law

An act relating to the application of general law to chartered municipalities

A charter provides a special law or laws for a municipality in order to deviate from the general law that otherwise applies to that municipality. This act clarifies that except as provided in a municipality's special charter law, all other relevant provisions of general law apply to that municipality.

Effective Date: April 11, 2018

Act No. 100 (H.585). Public records; Executive Branch; municipal government

An act relating to management of records

This act:

- rearranges and updates the law governing the services of the Statewide Records and Information Management (RIM) Program of the Vermont State Archives and Records Administration and the duties and authority of the State Archivist;
- amends the Public Records Act to address the importance of records management and the availability of the services of the RIM Program to all public agencies and to update a cross-reference; and

- repeals a law that requires 10 copies of Executive Branch reports to be submitted to the State Librarian and makes technical changes to a law regarding certain official volumes and documents that the State Librarian has a duty to distribute.

Effective Date: July 1, 2018

Act No. 101 (H.615). Corrections; drones

An act relating to prohibiting the use of drones near correctional facilities

This act prohibits individuals from knowingly flying drones over a correctional facility or surrounding property as long as a reasonable person would know that the property belongs to the correctional facility or the property is readily identifiable by items such as fencing or signs. A person who violates the prohibition will be assessed a civil penalty of not more than \$500.00. This act does not apply to the Department of Corrections, a person operating a drone with written permission from the correction facility's supervising officer, or a person operating a drone for commercial purposes while operating under any FAA authorization, rule, or exception. The Department of Buildings and General Services, law enforcement agencies, and a public safety agency responding to an emergency may fly drones over the facility with prior notice to the facility.

Effective Date: April 17, 2018

Act No. 102 (H.616). Public service; energy efficiency, efficiency utilities, thermal energy and process fuel funds

An act relating to thermal efficiency monies and biomass-led district heat

This act allows an efficiency utility to use thermal efficiency monies to convert thermal customers using fossil fuels to biomass-led district heat, provided that the customers use high efficiency heating appliances and the conversion is cost-effective.

Effective Date: July 1, 2018

Act No. 103 (H.686). Human services; health care

An act relating to establishing the Child Fatality Review Team

This act codifies the existing Child Fatality Review Team within the Department of Health. The Team is responsible for examining cases of child fatality in Vermont in which the fatality is either unexpected, unexplained, or preventable; identifying system gaps and risk factors associated with child fatalities that are either unexpected, unexplained, or preventable; educating the public, service providers, and policymakers about unexpected, unexplained, or preventable child fatalities and strategies for intervention; and recommending legislation, rules, policies, practices, training, and coordination of services that promote interagency

collaboration and prevent future unexpected, unexplained, or preventable child fatalities. The Team shall report its conclusions and recommendations to the Governor and General Assembly at least once per calendar year.

Effective Date: July 1, 2018

Act No. 104 (H.271). Human services;

An act relating to administration of the Supplemental Nutrition Assistance Program

This act requires the Department for Children and Families to report to the Chairs of the House Committee on Human Services and the Senate Committee on Health and Welfare within 30 days after a substantive change to the federal law governing the Supplemental Nutrition Assistance Program (SNAP) that restricts or improves eligibility; increases or reduces barriers or creates or eliminates hardships to access; or inhibits or increases benefit usage. The act further requires the Department to provide the Chairs with an analysis of any anticipated administrative costs to the Department and impacts to SNAP applicants and participants as a result of the change within 90 days.

Effective Date: July 1, 2018

Act No. 105 (H.563). Crimes and criminal procedures

An act relating to repealing the crimes of vagrancy

This act repeals the vagrancy statute.

Effective Date: July 1, 2018

Act No. 106 (H.589). Human services; judiciary

An act relating to the reasonable and prudent parent standard

This act establishes the reasonable and prudent parent standard. The standard authorizes a foster parent who is determining whether to allow a child in custody “to participate in extracurricular, enrichment, cultural, and social activities” to make “careful and sensible parental decisions that maintain the health, safety, and best interests of a child or youth in the custody of the Commissioner [for Children and Families] while at the same time encouraging the emotional and developmental growth of the child....” The act specifies that a foster parent is not liable for injuries to a child in custody that occur as the result of acting in accordance with the reasonable and prudent parent standard.

Effective Date: July 1, 2018

Act No. 107 (H.611). Crimes and criminal procedures; victims

An act relating to compensation for victims of crime

This act clarifies that when the Victims Compensation Board awards compensation to a crime victim, the State is subrogated to the rights of the victim and has a lien against the perpetrator in the amount of the award, less any fines imposed by the court.

Effective Date: April 19, 2018

Act No. 108 (H.620). Commerce and trade; transportation

An act relating to State-owned airports and economic development

This act:

- requires the Secretary of Commerce and Community Development to update the State's Economic Development Marketing Plan to incorporate the marketing of State-owned airports and to submit the updated Marketing Plan to specified committees of the General Assembly on or before January 15, 2019;
- for each State-owned airport, requires the Agency of Transportation, on or before January 15, 2019, to evaluate the feasibility of installing electric vehicle charging stations at the airport, of installing electric aircraft charging stations at the airport, and of siting one or more renewable energy generating plants at the airport; and
- specifies that a designated area or areas at an airport may be leased to a business entity consistent with Federal Aviation Administration requirements.

Effective Date: April 25, 2018

Act No. 109 (H.673). Human services;

An act relating to miscellaneous amendments to the Reach Up program

This act makes four changes to Vermont's Reach Up program. First, in determining eligibility for the Reach Up program, it excludes the equity value of an operable motor vehicle for any child of driving age who needs a vehicle to attend school or work. Second, it removes the requirement that a Reach Up program director or designee conduct 18- and 36-month reviews with participating families. Third, it amends the work requirements for participating families to better align with federal work requirements. Fourth, the act expands the education deferment up to 18 months for participants over 20 years of age who are engaged in 15 hours of classes a week related to attaining a high school diploma, GED, or completion of a literacy program.

Effective Date: July 1, 2018

Act No. 110 (H.836). Crimes and criminal procedures

An act relating to electronic court filings for relief from abuse orders

This act establishes a procedure for obtaining temporary relief from abuse orders after regular court hours.

This act also requires the Office of Court Administrator to report on the availability after regular court hours of orders against stalking or sexual assault (issued under 12 V.S.A. chapter 178).

Effective Date: April 25, 2018

Act No. 111 (H.551). State flags; Green Mountain Boys Flag; State House Display

An act relating to flags and flag-flying protocol

This act provides that annually on January 15, the Green Mountain Boys flag shall be flown at the State House. The act also revises statutory provisions concerning the flying of the Bennington Battle Flag and the POW-MIA Flag, and it directs the Department of Buildings and General Services to adopt and as needed update a protocol for the flying of flags on State-owned flagpoles.

Effective Date: July 1, 2018

Act No. 112 (H.566). Crimes and criminal procedure; animal cruelty

An act relating to animal cruelty

This act makes various updates to the animal cruelty statute, including changing the word “beats” to “harms,” to broaden the scope of prohibited behavior beyond striking an animal multiple times.

Effective on May 1, 2018.

Act No. 113 (H.843). Legislature; Vermont Statutes Annotated; technical corrections

An act relating to technical corrections

This act makes technical corrections to several sections of the Vermont Statutes Annotated, including statutes relating to agriculture, health care, transportation, military affairs, and municipal government.

Effective Date: July 1, 2018

Act No. 114 (S.164). Health; prescription drugs; unused prescription drug repository program

An act relating to establishing the Unused Prescription Drug Repository Program

This act directs the Agency of Human Services, in consultation with the Board of Pharmacy, the Board of Medical Practice, and other interested stakeholders, to evaluate the feasibility of implementing an unused prescription drug repository program to accept and dispense donated prescription drugs and supplies to Vermont residents who meet specified eligibility standards.

Effective Date: May 1, 2018

Act No. 115 (S.253). Health; physicians; medical licensure

An act relating to Vermont's adoption of the Interstate Medical Licensure Compact

This act adopts the Interstate Medical Licensure Compact in Vermont. It also authorizes the Office of Professional Regulation and the Board of Medical Practice to engage in criminal background check activities regarding applicants for expedited medical licensure through the Compact and specifies that if there is ever an assessment imposed on the State for its membership in the Interstate Medical Licensure Compact Commission, the Board of Medical Practice and the Board of Osteopathic Physicians and Surgeons will be responsible for paying the assessment in proportional amounts based on their respective numbers of licensees for professions that are eligible for licensure through the Compact.

Effective Date: January 1, 2020

Act No. 116 (S.282). Health; Medicaid; health care providers

An act relating to health care providers participating in Vermont's Medicaid program

This act requires that, by July 1, 2019, the Department of Vermont Health Access (DVHA) must be completing the screening and enrollment process for an applicant to be a Medicaid participating provider within 60 days after receiving the provider's completed application. If DVHA will be unable to meet the 60-day time frame requirement by July 1, 2019, the Commissioner of DVHA must convene a meeting of interested stakeholders by February 1, 2019 to provide them with an update on the status of DVHA's screening and enrollment efforts. The act also requires DVHA to consult with Medicaid participating providers to identify their main concerns about the Medicaid program and its administration. It directs DVHA to consult with the Attorney General's Office in evaluating its implementation of State and federal Medicaid fraud and abuse

provisions and to assess the feasibility of creating an exception to recoupment in some instances. DVHA must convene a meeting of interested stakeholders by December 15, 2018 to provide them with a summary of DVHA's responses to provider concerns and of DVHA's findings regarding the potential for changes to the Medicaid fraud and abuse statutes and for creating exceptions to recoupment.

Effective Date: May 1, 2018

Act No. 117 (H.300). Property; statute of limitations

An act relating to the statute of limitations for recovery and possession of property actions against the grantee of a tax collector's deed

This act changes the statute of limitations for a cause of action in a tax sale so that a delinquent taxpayer has a two-year period to sue to recover the property; requires that a municipality take additional steps to notify a taxpayer and any creditors to the property before selling the taxpayer's property at a tax sale if the initial notice by registered mail is returned unclaimed; and clarifies that the municipality may recover from the taxpayer the costs of serving the notice.

Effective Date: July 1, 2018

Act No. 118 (H.429). Telecommunications relay service; advisory council

An act relating to establishment of a communication facilitator program

This act amends the governance structure of the Telecommunications Relay Service Advisory Council and requires the Commissioner of Public Service, in consultation with the Commissioner of Disabilities, Aging, and Independent Living, to study the costs and benefits of establishing a communication facilitator program in Vermont to serve the DeafBlind community.

Effective Date: May 2, 2018

Act No. 119 (H.906). National Guard; motor vehicles; equipment; certified inspection mechanics; Secretary of State; professional regulation; professions and occupations; plumbers; electricians; nurses; registered nurses; licensed nursing assistants; health; food service establishment licenses

An act relating to professional licensing for service members and veterans

This act creates mechanisms to facilitate professional licensing of service members and veterans that have certain credentials. In particular, the act:

- requires the issuance of a journeyman electrician's license without examination to a service member or veteran who served

as a 12R Electrician or equivalent and meets certain other requirements;

- requires the Electricians Licensing Board to recognize a service member or veteran's experience as a 12R Electrician or equivalent when considering his or her application for a master electrician's license;
- requires the issuance of a journeyman plumber's license without examination to a service member or veteran who served as a 12K Plumber or equivalent and meets certain other requirements;
- requires the issuance of a license to practice as a registered nurse to a service member or veteran who served as a 66H Nurse or equivalent and meets certain other requirements;
- requires the issuance of a license to practice as a nursing assistant to a service member or veteran who served as a 68W Combat Medic Specialist or equivalent and meets certain other requirements;
- waives the examination requirement in relation to certification as an inspection mechanic for a service member or veteran who served as a 91B Wheeled Vehicle Mechanic and meets certain other requirements; and
- provides that a service member or veteran who served as a 92G Culinary Specialist and meets certain other requirements will be deemed to meet certain food safety requirements necessary to obtain a food establishment license from the Department of Health.

Effective Date: July 1, 2018.

Act No. 120 (H.199). Human services; appropriations

An act relating to reinstating legislative members to the Commission on Alzheimer's Disease and Related Disorders

This act reinstates one Senator and one member of the House of Representatives to the membership of the Commission on Alzheimer's Disease and Related Disorders. It enables members of the Commission to serve multiple terms.

Effective Date: July 1, 2018

Act No. 121 (H.690). Health; clinicians; advance directives; DNR/COLST

An act relating to explanation of advance directives and treating clinicians who may sign a DNR/COLST

This act specifies that a health care provider may serve as a witness to a principal's execution of an advance directive, as may the individual who explains the nature and effect of the advance directive if the principal is being admitted to or is a patient in a hospital, or is being admitted to or is a resident of a nursing home or residential care facility, at the time the advance directive is being executed. It expands the list of individuals who may serve as the explainer for a principal who is being admitted to or is a resident of a nursing home or residential care facility when executing the advance directive to include a designated hospital explainer, a volunteer at the nursing home or residential care facility, and a clinician who is not employed by the nursing home or residential care facility. The act also expands the description of a clinician who may have signed a patient's do-not-resuscitate (DNR) order or clinician order for life-sustaining treatment (COLST) to include a clinician who treated the patient outside Vermont and held a valid license to practice in the state in which the patient was located at the time the DNR/COLST was issued.

Effective Date: May 3, 2018

Act No. 122 (H.693). State Veterans Flag; Honor and Remember Flag

An act relating to the Honor and Remember Flag

This act designates the Honor and Remember Flag as the flag to honor those Vermonters who died during or as the result of serving on active duty in the U.S. Armed Forces. The act also directs the Department of Building and General Services to adopt a protocol for flying this flag.

Effective Date: May 3, 2018

Act No. 123 (S.182). Municipal government; public funds; trustees of public funds; powers, duties, and investment

An act relating to the investment authority of municipal trustees of public funds

This act amends 24 V.S.A. § 2432 (trustees of public funds; powers and duties), 24 V.S.A. § 4345 (optional powers and duties of regional planning commissions), and 18 V.S.A. § 5384 (investment of town cemetery funds).

Sec. 1 amends 24 V.S.A. § 2432 regarding trustees of public funds' investment authority, including allowing such trustees to delegate the management and investment of public trust funds in accordance with Vermont's Uniform Prudent Management of Institutional Funds Act. The agent receiving the delegated function may invest in publicly traded

securities enumerated in the section. Sec. 1 also adds the requirement that trustees of public funds invest according to a municipal investment policy, if the municipality has adopted one.

Sec. 2 amends 24 V.S.A. §4345 to allow regional planning commissions to invest reserve funds in accordance with Vermont's Uniform Prudent Management of Institutional Funds Act, provided that there are no State, federal, or contractual restrictions on investment of the funds.

Sec. 3 amends 18 V.S.A. § 5384 to allow an agent exercising a management or investment function to invest cemetery funds in publicly traded securities enumerated in the section. Sec. 3 also adds the requirement that cemetery funds be invested according to a municipal investment policy, if the municipality has adopted one.

Effective Date: May 3, 2018

Act No. 124 (H.914). Health; health care reform; accountable care organizations; Department of Vermont Health Access; Green Mountain Care Board

An act relating to reporting requirements for the second year of the Vermont Medicaid Next Generation ACO Pilot Project

This act requires the Department of Vermont Health Access to provide written updates to the legislative committees of jurisdiction, the Green Mountain Care Board, the Medicaid and Exchange Advisory Committee, and the Office of the Health Care Advocate by June 15, September 15, and December 15, 2018 on implementation of the Vermont Medicaid Next Generation ACO Pilot Project and to testify on the Pilot Project at meetings of the Health Reform Oversight Committee during 2018. The act requires the Green Mountain Care Board to provide written updates to the same recipients by the same dates on the Board's progress in meeting benchmarks for implementing the All-Payer Model and the Board's regulation of accountable care organizations.

Effective Date: May 10, 2018

Act No. 125 (H.921). Human services; nursing homes; Department of Disabilities, Aging, and Independent Living; certificate of need

An act relating to nursing home oversight

This act creates the Nursing Home Oversight Working Group to examine the oversight of nursing homes in Vermont, including their financial stability and licensing criteria. The Working Group must report to the General Assembly by January 15, 2019 with its findings and any recommendations for legislative action. The act eliminates a requirement to obtain a certificate of need from the Green Mountain Care Board for the

transfer of ownership of a nursing home. It directs the Secretary of Human Services to develop a process by which the Agency of Human Services will accept and review applications for transfers of nursing home ownership in lieu of the certificate of need process. It allows applicants who filed a letter of intent or application for a certificate of need with the Green Mountain Care Board for transfer of nursing home ownership on or before July 1, 2018 to choose to use the Agency of Human Services' process instead of continuing with the certificate of need process.

Multiple effective dates, beginning on May 10, 2018

Act No. 126 (H.294). Labor; fair employment practices; wages

An act relating to inquiries about an applicant's salary history

This act prohibits employers from inquiring about a prospective employee's current or past compensation, requiring that a prospective employee's compensation satisfy certain criteria, or determining whether to interview a prospective employee based on his or her current or past compensation. This act permits an employer to confirm voluntarily disclosed information about a prospective employee's current or past compensation after the employer has made an offer of employment with compensation.

Effective Date: July 1, 2018.

Act No. 127 (H.333). Health; Public buildings; gender-free restrooms

An act relating to identification of gender-free restrooms in public buildings and places of public accommodation

This act amends requirements for single-user toilet facilities in public buildings and places of public accommodation as follows:

Sec. 1 establishes 18 V.S.A. chapter 40, which requires that a single-user toilet facility is made available for use by persons of any gender, and is designated for use by not more than one occupant at a time or for family use. Sec. 1 also provides that a sign may be used to identify a single-user toilet facility if the sign marks the facility as a restroom but does not indicate any specific gender. The Commissioner of Public Safety is authorized to inspect for compliance with the requirements of 18 V.S.A. chapter 40. In addition, Sec. 1 applies the requirements of the chapter to the plumbing code adopted by the Plumbers' Examining Board and directs the Plumbers' Examining Board to adopt rules to make plumbing fixture requirements consistent with the requirements of the chapter.

Sec. 2 amends 26 V.S.A. § 2173 to require that any rule adopted by the Plumbers' Examining Board is consistent with the requirements of 18 V.S.A. chapter 40.

Sec. 3 amends 26 V.S.A. § 2174 to require that municipal plumbing standards shall not prohibit implementation of 18 V.S.A. chapter 40.

Effective Date: July 1, 2018

Act No. 128 (H.624). Elections; statewide voter checklist; vote tabulators

An act relating to the protection of information in the statewide voter checklist and to the use of vote tabulators

This act prohibits a public agency or an officer, employee, agent, or independent contractor thereof from knowingly disclosing a copy of the statewide voter checklist or a municipality's portion of it to any foreign government or to a federal agency or commission or to a person acting on behalf of any of those entities for the purpose of (1) registering a voter based on his or her information maintained in the checklist; (2) publicly disclosing a voter's checklist information; or (3) comparing a voter's checklist information to personally identifying information contained in other federal or state databases. Moreover, the act requires a person who wishes to obtain a copy of the statewide voter checklist to swear or affirm under the penalties of perjury that the person will not knowingly disclose the checklist to a foreign government or to a federal agency or commission or to a person acting on behalf of any of those entities in circumvention of those three prohibited purposes for using the checklist. The act also adds a registered voter's telephone number contained in a voter registration application or in the statewide voter checklist to the list of voter information that is exempt from public inspection and copying under the Public Records Act.

Finally, the act allows the Secretary of State to suspend the use of vote tabulators and require the hand count of votes in an election if the Secretary determines there are reasonable grounds to believe that the vote tabulators to be used in that election may have been rendered inoperable.

Effective Date: May 16, 2018

Act No. 129 (H.828). Elections; campaign finance; disclosures

An act relating to disclosures in campaign finance law

This act amends campaign finance law disclosure provisions. It first amends the definitions of "electioneering communication" and "mass media activity" so that they both refer to the Internet and to mass electronic or digital communications. In regard to an electioneering communication – which is required to contain identification information about the entity that paid for it – the act allows such a communication broadcast over the Internet to contain a link that, if clicked, takes the reader to a web page or social media page that contains the required identification information, if it is not practicable for that information to be directly contained within the communication. Finally, the act requires an

additional campaign finance report four days before an election for a local candidate who has rolled over any amount of surplus into a new campaign or who has made expenditures or accepted contributions of \$500.00 or more since the last local election for the office.

Multiple effective dates, beginning on May 16, 2018

Act No. 130 (H.856). Municipal government; miscellaneous

An act relating to miscellaneous amendments to municipal law

As its title suggests, this act makes miscellaneous amendments to municipal law. Many of the amendments are technical in nature, such as amendments for the purposes of gender neutrality; of using the correct term “town” or “municipality,” as applicable; and of using the clearer term “registered voter,” rather than “legal voter.” Substantive amendments include:

- Adding to the list of municipal offices deemed incompatible (Sec. 7);
- Prohibiting the use of tobacco products in designated smoke-free areas of property or grounds owned or leased to a municipality (Sec. 8);
- Allowing a town board for the abatement of taxes to abate water and sewer charges (Sec. 13);
- Standardizing the maximum fines or monetary civil penalties permitted for municipal violations (Secs. 14-16); and
- Eliminating a municipal land development limitation on certain residential care homes or group homes located within 1,000 feet of one another (Sec. 17).

Effective Date: July 1, 2018

Act No. 131 (H.892). Health; health insurance; association plans; short-term, limited-duration health insurance coverage

An act relating to regulation of short-term, limited-duration health insurance coverage and association health plans

This act defines association health insurance plans and directs the Commissioner of Financial Regulation to adopt rules regulating association health plans to protect Vermont consumers and promote the stability of Vermont’s health insurance markets. It defines short-term, limited-duration health insurance as health insurance with an expiration date that is three months or less after the original effective date of the policy or contract. It specifies that a short-term, limited duration health insurance policy or contract is nonrenewable and that an insurer cannot issue a short-term, limited duration health insurance policy or contract to

any person if it would result in the person being covered by short-term, limited-duration health insurance for more than three months in any 12-month period. The act requires prominent disclosures in short-term, limited duration health insurance policies, contracts, and application materials about the scope of the coverage, including the types of benefits and consumer protections that are and are not included. It also directs the Commissioner of Financial Regulation to adopt rules regarding short-term, limited duration health insurance, including requirements to file rates, forms, and advertising materials with the Department for the Commissioner's approval.

Effective Date: May 16, 2018.

Act No. 132 (H.909). Transportation

An act relating to technical and clarifying changes in transportation-related laws

This act updates miscellaneous provisions of transportation-related law to improve clarity and organization; effect gender-neutrality; and replace with more general terminology the name of a union that has merged and been renamed.

Effective Date: July 1, 2018

Act No. 133 (S.175). Health; prescription drugs; wholesale importation

An act relating to the wholesale importation of prescription drugs into Vermont

This act directs the Agency of Human Services, in consultation with interested stakeholders and appropriate federal officials, to design a program for wholesale importation of prescription drugs into Vermont from Canada that complies with federal requirements. The proposed design must be submitted to the General Assembly by January 1, 2019, and the Agency must apply to the federal government by July 1, 2019 for certification of the program. The program cannot be implemented until the General Assembly enacts legislation establishing a charge per prescription or another method of financial support for the program. The Agency must begin implementing the program upon the last to occur of the General Assembly enacting a method of financial support and receipt of federal certification and approval, with program operations commencing within six months after implementation begins. The Agency must report annually to the legislative committees of jurisdiction regarding operation of the program during the previous calendar year. The act specifies that the Agency is required to design the program only to the extent that funds are appropriated for that purpose in the 2019 budget act or are otherwise made available.

Effective Date: July 1, 2018

Act No. 134 (H.719). Insurance; affiliated reinsurance companies; trust companies

An act relating to insurance companies and trust companies

This act makes amendments to the law concerning permissible investments of insurance companies. It also amends the law pertaining to the frequency with which the governing board of a trust company is required to meet. Finally, it authorizes the formation of a new kind of captive insurance company called an affiliated reinsurance company.

Effective Date: July 1, 2018

Act No. 135 (H.25). Crimes and criminal procedures; domestic terrorism; carrying a dangerous weapon

An act relating to domestic terrorism

This act:

- Makes various changes to the statute regarding carrying dangerous weapons, including: removing outdated and unnecessary language and simplifying the prohibition to carrying a dangerous weapon with the intent to injure another; increasing the monetary portion of the penalty from \$200 to

\$2,000 to be consistent with other misdemeanor crimes; and adding an enhanced penalty for carrying a dangerous weapon with the intent to injure multiple persons.

- Creates a new crime of domestic terrorism to prohibit committing a crime or taking a substantial step toward committing a crime with the intent to injure or kill multiple persons or threaten any civilian population with destruction, death, or kidnapping.
- Increases the penalties for possessing a firearm or a dangerous or deadly weapon while in a school building, on school property, or on a school bus.

Effective Date: May 21, 2018

Act No. 136 (H.132). Judiciary; limitations on landowner liability; posting of signs

An act relating to limiting landowner liability for posting the dangers of swimming holes

This act provides a landowner with immunity from liability for posting a sign warning about dangers on the owner's land or water.

Effective Date: May 21, 2018

Act No. 137 (H.378). Executive Branch; technology; artificial intelligence

An act relating to the creation of the Artificial Intelligence Task Force

This act creates the Artificial Intelligence Task Force to investigate the field of artificial intelligence in the State and make recommendations on the responsible growth of Vermont's emerging technology markets, the use of artificial intelligence in State government, and State regulation of the artificial intelligence field. The task force is repealed on June 30, 2019.

Effective Date: July 1, 2018

Act No. 138 (H.404). Health; Medicaid; contraceptives; long-acting reversible contraceptives

An act relating to Medicaid reimbursement for long-acting reversible contraceptives

This act requires the Department of Vermont Health Access to reimburse health care providers for the full cost of a device providing long-acting reversible contraception when the device is inserted during a Medicaid beneficiary's postpartum hospital stay. It also directs health insurers that offer plans through the Vermont Health Benefit Exchange to determine how to provide coverage for over-the-counter oral and

emergency contraceptives in their health insurance plans without requiring a prescription or imposing cost-sharing requirements. Each insurer must report to the legislative committees of jurisdiction by January 15, 2019 regarding how it could provide coverage for over-the-counter oral and emergency contraceptives without requiring a prescription and without imposing cost-sharing, any estimated impact of such coverage on health insurance premiums, and whether the insurer intends to add the benefit to any or all of its plans.

Multiple effective dates, beginning on May 21, 2018

Act No. 139 (H.410). Commerce and trade; energy; public service; electric vehicles

An act relating to appliance efficiency, energy planning, and electric vehicle parking

This act adds efficiency standards for 16 products to Vermont's appliance efficiency law.

The act also requires the State Comprehensive Energy Plan (CEP) to include recommendations for State agency energy and transportation planning and requires those other plans and utility resource plans to be consistent with the CEP.

The act requires submissions to the General Assembly by the Public Utility Commission and the Department of Public Service on issues relating to renewable electric generation and constrained areas of the electric utility grid.

The act clarifies the enforceability of parking restrictions related to electric vehicles.

Multiple effective dates, beginning on May 21, 2018

Act No. 140 (H.603). Crimes and criminal procedure; domestic relations; human trafficking

An act relating to human trafficking

This act: 1) Broadens the scope of marriages that can be annulled to include those where consent was obtained by the threat of force or other forms of coercion or deception; 2) removes the restriction that marriages shall not be annulled if the parties voluntarily cohabited prior to the commencement of the annulment action; 3) when making a parental rights and responsibilities order, allows the court to deny parent-child contact when one parent was convicted of human trafficking and the other parent was the trafficked victim or if it finds by clear and convincing evidence that the parent was trafficked and the order is in the best interests of the child; and 4) under the Adoption Act, provides that the court can order

termination of a parental relationship if the parent committed a sexual assault resulting in the conception of the child.

Effective May 21, 2018.

Act No. 141 (H.639). Health; health insurance; breast imaging; mammography; ultrasound

An act relating to eliminating cost-sharing for certain breast imaging services

This act requires health insurance coverage for screening by ultrasound without cost-sharing requirements for patients whose screening mammograms were inconclusive or who have dense breast tissue, or both. It also directs the Department of Financial Regulation to issue a bulletin by October 1, 2018 providing clarification to health insurers regarding the coding structure for screening mammograms and ultrasounds and for call-back screenings, including clarifying that call-back mammograms and ultrasounds for patients whose screening mammograms were inconclusive or who have dense breast tissue, or both, must be covered without cost-sharing.

Multiple effective dates, beginning on May 21, 2018

Act No. 142 (H.660). Crimes and criminal procedures; Vermont Sentencing Commission

An act relating to establishing the Commission on Sentencing Disparities and Criminal Code Reclassification

This act directs the Vermont Sentencing Commission to review Vermont criminal sentencing law and practice to determine whether existing statutory penalties are appropriate, to place each existing criminal offense in a category within a standardized penalty classification system, and to develop responses to the significant impacts that increased opioid addiction has had on the criminal justice system. The act appropriates \$50,000.00 to the Sentencing Commission for these purposes, and repeals the Commission on July 1, 2021.

Effective Date: May 21, 2018

Act No. 143 (H.663). Conservation and land development; agriculture; municipal government

An act relating to municipal regulation of accessory on-farm businesses and to hemp cultivation

This act authorizes and limits municipal land use regulation of an “accessory on-farm business” as defined in the act. It sets forth

requirements for posting warning signs when agricultural pesticides are applied in an area in which such a business conducts activity.

The act also brings Vermont statutes into conformance with federal law on industrial hemp programs and establishes a pilot program to research the growth, cultivation, and marketing of industrial hemp. It includes provisions on hemp testing.

Effective Date: July 1, 2018

Act No. 144 (H.684). Professions and occupations; Office of Professional Regulation; miscellaneous

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

This act amends statutes relating to professional regulation by the Secretary of State's Office of Professional Regulation. Secs. 1–10 are in regard to the manner in which the Office regulates the approximately 50 professions and occupations over which it has oversight, including designating the Secretary as the overall adopting authority for rules and requiring uniform standards for license renewals and continuing education.

The remainder of the act amends statutes relating to specific professions. Substantive changes include:

- converting the barbering and cosmetology professions and the funeral services professions from a board model to an advisor model (Secs. 2, 12, 13, 15–17, and 26);
- eliminating the requirement that advanced practice registered nurses submit practice guidelines to the Board of Nursing and requiring the Board and the Office to assess and report on the costs and benefits of participating in nursing licensure compacts (Secs. 18 and 19);
- amending miscellaneous provisions relating to the practice of pharmacy and creating a new Executive Officer of Pharmacy position within the Office (Secs. 20 and 21);
- increasing the Board of Private Investigative and Security Services' rulemaking authority in regard to the minimum standards and qualifications of private investigators and security guards and eliminating the temporary registration of persons employed by private investigative or security guard agencies (Sec. 24); and
- increasing the Board of Allied Mental Health Practitioners' rulemaking authority in regard to the licensing and renewal of clinical mental health counselors (Sec. 25).

Multiple effective dates, beginning on May 21, 2018

Act No. 145 (H.710). Alcoholic beverages; beer and wine franchises

An act relating to beer franchises

This act creates a new subchapter that applies to beer franchises for manufacturers and certificate of approval holders who manufacture or distribute up to 50,000 barrels of beer per year and whose products comprise three percent or less of a wholesale dealer's total annual sales of beer by volume. For franchise agreements that are subject to the new subchapter, termination will be governed by the terms of a written agreement and, in the absence of a provision of a written agreement to the contrary, the act establishes default provisions for good cause and no cause termination. In addition, the new subchapter permits a manufacturer or certificate of approval holder to prevent the transfer of a franchise to a third-party through either the payment of compensation or a Superior Court action, provided that the franchise is not being transferred to a family member of the wholesale dealer.

From January 1, 2019 until July 1, 2022, the new subchapter created by this act will only apply to franchise agreements entered into on or after January 1, 2019. Beginning on July 1, 2022, the new subchapter will apply to all franchises for manufacturers and certificate of approval holders who manufacture or distribute up to 50,000 barrels of beer per year and whose products comprise three percent or less of the wholesale dealer's total annual sales of beer by volume. All franchise agreements that will be subject to the new subchapter after July 1, 2022 shall be in writing, and parties to a franchise agreement that will become subject to the act on July 1, 2022 must negotiate a written franchise agreement on or before that date or the franchise will be deemed to terminate on July 1, 2022.

The act also prohibits a manufacturer or certificate of approval holder from requiring a wholesale dealer to agree to a provision that limits the wholesale dealer's right to sell the products of another manufacturer or certificate of approval holder.

Multiple effective dates, beginning on January 1, 2019.

Act No. 146 (H.718). Crimes and criminal procedures; corrections

An act relating to creation of the Restorative Justice Study Committee

This act creates the Restorative Justice Study Committee for the purpose of conducting a comprehensive examination of whether there is a role for victim-centered restorative justice principles and processes in domestic and sexual violence and stalking cases. The Vermont Network Against Domestic and Sexual Violence will staff the Committee and submit an interim written report to the House Committee on Corrections

and Institutions and to the House and Senate Committees on Judiciary by December 1, 2018 and a final report by July 1, 2019.

Effective Date: May 21, 2018

Act No. 147 (H.727). Human services; child welfare

An act relating to the admissibility of a child's hearsay statements in a proceeding before the Human Services Board

This act creates an exemption to the hearsay rule with respect to statements made by a child 12 years of age or under who is alleged to have been abused or neglected and provides that such a child shall not be required to testify or give evidence at any hearing before the Human Services Board regarding a substantiation proceeding. Evidence shall be admissible if the time, content, and circumstances of the statements provide substantial indicia of trustworthiness. The exemption applies to statements made by a child who is at least 13 years of age and under 16 years of age who is alleged to have been abused or neglected in either of the following circumstances: 1) The hearing officer determines, based on a preponderance of the evidence, that requiring the child to testify will present a substantial risk of trauma to the child. 2) The hearing officer determines that the child is physically unavailable to testify or the Department has made diligent efforts to locate the child and was unsuccessful.

Effective Date: July 1, 2018

Act No.148 (H.731). Labor; workers' compensation; occupational safety and health

An act relating to miscellaneous workers' compensation and occupational safety amendments

This act clarifies the anti-retaliation provision for the workers' compensation law and makes it consistent with other anti-retaliation provisions in Title 21, extends the sunset on the provision permitting a worker to obtain a 14-day extension on workers' compensation benefits upon receipt of notice of the employer's intention to discontinue the benefits, and requires the Office of Legislative Council to prepare a report regarding Vermont's debarment statutes. This act also sets the Workers' Compensation Administration Fund's rate of contribution for the direct calendar year premium for workers' compensation insurance and requires the Commissioner of Labor to report on the potential for the General Assembly to delegate to the Commissioner the authority to set the contribution rate. In addition, this act permits the Department of Labor to send a single notice of a violation of the VOSHA Code, which contains both a citation for the violation and a notice of the proposed penalty.

Multiple effective dates, beginning on May 21, 2018

Act No. 149 (H.736). Health; public health

An act relating to lead poisoning prevention

This act aims to provide regulatory authority over lead poisoning prevention practices, which are currently divided between the State of Vermont and the U.S. Environmental Protection Agency (EPA), to the State. The passage of this act, which integrates existing federal laws with existing State laws, in addition to the adoption of corresponding rules, is required prior to the EPA's approval of the Vermont Department of Health's proposal to house all regulatory authority over lead poisoning prevention practices within the State.

Effective Date: Upon the Commissioner of Health's written confirmation to the Speaker of the House and the Senate President Pro Tempore that the U.S. Environmental Protection Agency has authorized the program as administered by Vermont

Act No. 150 (H.739). Public service; energy, energy efficiency, self-managed energy efficiency

An act relating to energy productivity investments under the self-managed energy efficiency program

This act makes multiple changes to the self-managed energy efficiency program, including: changing the qualifications for customer participation; authorizing energy productivity programs and measures as an eligible investment; allowing funds from outside entities to count toward a participant's monetary commitment; and requiring that the electric energy savings from projects in the program be bid into ISO-New England's Forward Capacity Market program if the Department of Service determines it is cost-effective to do so.

The act also directs the Public Utility Commission to establish the Energy Savings Account Partnership (ESA) Pilot Program as an expansion of the existing ESA option. The Pilot Program will allow a participant, working with Efficiency Vermont, to place the participant's electric efficiency charge payments in an ESA and then use 100 percent of the funds on the participant's own energy efficiency projects. The Pilot Program will last for three years after which the Public Utility Commission will conduct an evaluation and report to the General Assembly about whether or not the Pilot Program should be continued

Effective Date: July 1, 2018

Act No. 151 (H.806). Property; State land; corrections; Southeast State Correctional Facility

An act relating to the Southeast State Correctional Facility

This act directs the Commissioner of Buildings and General Services to investigate and analyze options for the future use of the Southeast State Correctional Facility and surrounding land owned by the Department of Buildings and General Services. The Commissioner shall submit a report on the investigation, which shall include an analysis and recommendations for the highest and best State use for the facility and land, to the House Committee on Corrections and Institutions, the Senate Committee on Institutions, and the Chair of the Town of Windsor Selectboard by December 15, 2018.

Effective Date: May 21, 2018

Act No. 152 (H.859). Municipal government; public lands and funds; lease lands

An act relating to requiring municipal corporations to affirmatively vote to retain ownership of lease lands

This act adds 24 V.S.A. § 2409 to require municipal corporations to affirmatively vote to retain their lease lands, which are sometimes referred to as “glebes.” Sec. 1 provides that lease lands shall vest in the current lessee of record on January 1, 2020, unless the legislative body of the municipal corporation charged with the care of those lands votes prior to that date to keep some or all of the municipality’s lease lands. Sec. 1 also provides that a municipal corporation’s legislative body may vote at any time to release some or all of the municipality’s lease lands. When fee simple title to lease land vests in the current lessee of record, the act provides that the land shall remain subject to any other encumbrances of record.

Sec. 2 amends 24 V.S.A. § 1061 to exempt lease land conveyances from statutory notice required for the conveyance of municipal real estate.

Effective Date: July 1, 2018

Act No. 153 (H.874). Corrections; human services; medical care; inmates; prescription drugs

An act relating to inmate access to prescription drugs

This act amends the process for providing inmates access to prescription drugs after admission to a correctional facility as follows:

Sec. 1 requires that an inmate be screened for substance abuse disorders, including opioid use disorders, within 24 hours after admission to a correctional facility. Sec. 1 also requires that, at the time of admission to a correctional facility, an inmate who is under the care of certain

community-based medical professionals and is taking medication, including medication prescribed in the course of medicated-assisted treatment, be entitled to continue use of the medication. In addition, Sec. 1 provides a process for the Department of Corrections to make exceptions for continuing to provide inmates access to medications that were prescribed prior to admission to a correctional facility.

Sec. 1a amends 18 V.S.A. § 4750 to include a definition for “medication-assisted treatment.”

Sec. 2 requires the Department of Corrections to collect certain information on the use of prescription drugs by inmates in a correctional facility. After consultation with the Prisoners’ Rights Office, the Department is required to report its findings to the House Committee on Corrections and Institutions and the Senate Committee on Institutions by January 31, 2019.

Multiple effective dates, beginning on May 21, 2018

Act No. 154 (H.895). Legislature; Executive Branch; reports; reports repeal

An act relating to legislative review of certain reports requirements

This act contains amendments and repeals to certain reports requirements in accordance with 2 V.S.A. § 20(d). The first part of the bill—Secs. 1 through 4—repeals reports the General Assembly no longer finds necessary. The second part of the bill—Secs. 4a through 5—modifies certain reports requirements. The third part of the bill—Sec. 6—extends the statutory expiration of certain reports subject to 2 V.S.A. § 20(d). The fourth part of the bill—Secs. 7 through 17—amends reports requirements to designated specific recipients. The fifth part of the bill—Secs. 18 through 34—exempts certain reports from the five-year expiration provision of 2 V.S.A. § 20(d).

Effective Date: May 21, 2018

Act No. 155 (H.899). Taxation and fees; municipal government

An act relating to a town fee report and request

This act requires the Vermont Municipal Clerks’ and Treasurers’ Association and the Vermont League of Cities and Towns to submit jointly to the House Committee on Ways and Means, the Senate Committee on Finance, and the House and Senate Committees on Government Operations a consolidated town fee report and request on or before the third Tuesday of the legislative session of 2019 and every three years thereafter.

Effective Date: July 1, 2018

Act No. 156 (H.908). Executive Branch; administrative rules

An act relating to the Administrative Procedure Act

This act makes numerous changes to Vermont's Administrative Procedure Act, including directing the Secretary of State to create a centralized rule system, establishing requirements for online posting by agencies of proposed and adopted rules, requiring an environmental impact analysis for proposed rules, and enlarging the period during which emergency rules may be in effect from 120 to 180 days.

Multiple effective dates, beginning on May 21, 2018

Act No. 157 (H.916). Commerce and trade; economic development

An act relating to increasing the moral obligation authority of the Vermont Economic Development Authority

This act increases the moral obligation authority of VEDA.

Effective Date: July 1, 2018

Act No. 158 (H.917). Transportation; motor vehicles; natural resources and energy

An act relating to the Transportation Program and miscellaneous changes to transportation-related law

This act:

- Transportation Program Adopted; Definitions. Adopts the Agency of Transportation's ("Agency") proposed fiscal year 2019 (FY19) Transportation Program except as the Program is amended in the bill, and defines terms used throughout the bill.
- Federal Infrastructure Funding. Grants the Agency contingent authority to spend federal monies that may be received if a federal infrastructure bill is enacted that provides Vermont with additional federal funding for transportation-related projects.
- Infrastructure for Rebuilding America (INFRA) Grant. Authorizes VTrans to submit a grant application to the U.S. Department of Transportation (USDOT) if USDOT solicits grants under the INFRA grant program. If submitted, the grant application must be for bridge and culvert projects on Interstate 89 with a total cost of up to \$105 million.
- Program Development—Traffic & Safety Operations. Adds a project to the candidate list of the Traffic & Safety Operations Program related to traffic signal upgrades in South Burlington off Exit 14 of Interstate 89.

- Program Development—Bike & Pedestrian Facilities. Allocates spending authority of \$75,000.00 in transportation funds to the Lamoille Valley Rail Trail project and reduces VAST's local match obligation by \$75,000.00.
- Program Development—Paving Program. Increases spending authority on the district leveling paving activity by \$75,000.00 in transportation funds.
- Program Development—Roadway Program. Adds to the development and evaluation (D&E) list of the FY19 Program Development—Roadway Program a project for evaluation of improvements to the intersection of VT 67A, Matteson Road, Silk Road, and College Drive in the Town of Bennington.
- Aviation Program. Adjusts the sources of funds for the local match required for Federal Aviation Administration grant awards for Burlington International Airport by reducing the contribution of State transportation funds toward the match from \$750,000.00 to \$600,000.00 and by increasing the local share from \$500,000.00 to \$650,000.00.
- Town Highway Bridge Program. Adds a project to the candidate list of the Town Highway Bridge Program related to scoping for replacement of Bridge 8 over the Otter Creek between the Towns of Salisbury and Cornwall.
- Reduction in Spending Authority. Reduces FY19 spending authority in the transportation budget by a total of \$4 million in transportation funds, and provides for restoration of this reduction if various contingencies occur.
- Contingent Addition to State Highway System. Adds to the State Highway System a new segment of road in the Town of Brattleboro if the Town of Brattleboro enters into a maintenance agreement with the Agency, and only after construction of a new bridge across the Connecticut River is substantially completed.
- Abandoned Aircraft. Creates a new subchapter of law to create a process for addressing abandoned aircraft and aircraft components left on airport property.
- Abandoned Vessels. Creates a new chapter of law that prohibits the abandonment of vessels on public waters or on immediately adjacent land; requires the Secretary of Natural Resources to remove abandoned vessels; and provides for the transfer of title to abandoned vessels 60 days after certain notice requirements are satisfied.
- Railroads; Vegetation Control. Repeals a law that requires towns to carry out duties of railroads annually to cut and destroy thistles and noxious weeds growing within the railroad right-of-way if the railroad

fails to fulfill this duty; repeals an existing requirement that a railroad operator destroy trees, shrubs, and bushes for a distance of 80 rods in each direction from all public grade crossings, and replaces it with an obligation of railroads instead to control vegetation so that it does not obstruct a highway user's view of traffic control devices or of a train approaching the crossing; repeals language that requires towns to carry out duties of railroads that fail to control vegetation near crossings, and replaces it with language that authorizes towns or the Agency to apply to the Transportation Board for an order requiring the railroad to carry out vegetation control work and establishes a civil penalty of \$100.00 against the railroad for each day that it fails to comply with the Board's order.

- Penalties for Furnishing Alcoholic Beverages to Minors. Expands the scope of an existing penalty enhancement for violating the law that prohibits furnishing alcohol to persons under the age of 21 in order to apply when death or serious bodily injury results from operation by the underage person of a snowmobile, vessel, or ATV in specified locations.
- President Calvin Coolidge State Historic Site; Supplemental Guide Signs. Amends Vermont's sign law to authorize the Agency to install signs at two interstate highway interchanges for the President Calvin Coolidge State Historic Site and makes other technical and organizational changes to the provision in the sign law that governs supplemental guide signs.
- Central Garage. Eliminates an existing formula that governs the amount of the annual transfer from the Transportation Fund to the Central Garage Fund and replaces it with a minimum transfer of \$1,318,442.00 starting in FY19 that must be adjusted annually for inflation, and eliminates the requirement for a separate appropriation to a special account within the Central Garage Fund for the purchase of new or replacement highway maintenance equipment.
- Town Highway Aid. Amends the formula for the annual appropriation to the Town Highway Aid Program.
- Transportation Public-Private Partnerships. Creates a new subchapter establishing a pilot project and parameters governing the Agency's use of public-private partnerships (P3) in carrying out transportation projects, and sunsets the Agency's P3 authority and the provision governing legislative approval of P3 proposals on July 1, 2023.
- Gasoline Assessments; Calculations; Data Retention. Requires the Department of Public Service to determine the tax-adjusted retail price for regular gasoline to three decimal places and to retain its quarterly calculations on its website permanently, and requires the Department of Motor Vehicles to calculate gasoline tax assessment amounts to four

decimal places and to retain permanently records of its calculations, any corrections to them, and the data that are the basis for the calculations.

- Green Mountain Transit Authority; Name Update. Replaces the name “Chittenden County Transit Authority” with the name “Green Mountain Transit Authority” in statute.
- Electric Vehicles; Public Service. Directs the Public Utility Commission (PUC) to complete an evaluation and submit a written report on or before July 1, 2019 on issues relating to the charging of plug-in electric vehicles.
- All-terrain Vehicles; Enforcement. Authorizes law enforcement officers to conduct safety inspections on ATVs stopped for other ATV violations on the Trail System of the Vermont ATV Sportsman’s Association and in a designated area warned by blue lights.
- All-terrain Vehicles; Operation Along Highways. Authorizes the operation of an ATV along a public highway if the ATV is being used by an employee or agent of an electric transmission or distribution company for utility purposes and is operated along the edge of the roadway and yields to other vehicles.
- All-terrain Vehicles; Allocation of Fees and Penalties. Effective July 1, 2018, increases from 85 to 90 the percentage of ATV fees and penalties that is allocated to the Agency of Natural Resources (ANR) for use by VASA for development and maintenance of a Statewide ATV Trail Program, for trail liability insurance, and to contract for law enforcement services, and eliminates a \$7,000.00 set-aside for ANR from these fees and penalties, and effective July 1, 2023, sunsets the increase in the allocation for VASA.
- Default Weight Limits on Town Highways. Eliminates a conflict in two laws regarding default weight limits on town highways in incorporated villages and cities, specifying that the default weight limit on class 2, 3, and 4 town highways in incorporated villages is 24,000 pounds and the default weight limit in cities is the same as on the State Highway System.
- Aircraft Fuel Taxes. Amends miscellaneous provisions related to Vermont’s taxation of aircraft fuels and the uses and allocation of proceeds from such taxes.
- Petroleum Cleanup Fund. Makes explicit that releases of petroleum eligible for a disbursement from the Petroleum Cleanup Fund include releases of aviation gasoline.
- Airport Grants from the State to a Municipality. Provides that a municipality which receives airport-related grants from the State must meet conditions that the Secretary of Transportation must establish to

require the municipality to assist the State in identifying vendors that distribute, sell, or use aircraft jet fuel in the State in connection with the airport.

- Passing Motor Vehicles and Vulnerable Users. Specifies that exercising due care in connection with approaching or passing a vulnerable user includes reducing speed, and requires the operator of a motor vehicle approaching or passing a stationary sanitation, maintenance, utility, or delivery vehicle with flashing lights to exercise due care to pass the vehicle safely.
- Motor Vehicle Inspections. Narrows the scope of DMV’s authority with regard to the safety component of motor vehicle inspections; directs the Commissioner of DMV to file with the Secretary of State a proposed amended Inspection Manual rule that is consistent with the narrowed scope rulemaking authority; directs the Commissioner to update the content of inspections conducted through the Automated Vehicle Inspection Program as soon as practicable to be consistent with the narrowed scope of safety inspections; gives the Commissioner authority to establish criteria to allow vehicles that would otherwise fail inspection as a result of the emissions component of the inspection to pass inspection; directs the Commission, in consultation with the Commissioner of Environmental Conservation, to develop a program of waivers related to the emissions component of the State’s inspection program that is consistent with the Clean Air Act; and directs the Commissioners of DMV and of Environmental Conservation to send a written update to the Joint Transportation Oversight Committee on November 30, 2018 with regard to several inspection program-related issues.

Multiple effective dates, beginning on a retroactive effective date to January 1, 2017.

H.917 FY-19 Transportation		Program		
L	All funding sources	FY18 As Passed	FY19 As Passed	FY19 vs FY18
1	Administration-finance-planning			
2	Central Admin & Finance	14,622,670	14,655,914	33,244
3	Policy & Planning	10,596,432	11,086,484	490,052
4	Transportation Board	233,750	271,543	37,793
5	Department of Motor Vehicles	29,301,916	31,360,732	2,058,816
6	Subtotal	54,754,768	57,374,673	2,619,905

H.917 FY-19 Transportation		Program		
L	All funding sources	FY18 As Passed	FY19 As Passed	FY19 vs FY18
7	Facilities			
8	Rest Areas	663,000	744,802	81,802
9	AOT Buildings	1,900,000	1,578,050	-321,950
1	Subtotal	2,563,000	2,322,852	-240,148
1	Alternate modes			
1	Public Transit	32,132,157	29,020,229	-3,111,928
1	Aviation	17,736,095	13,799,763	-3,936,332
1	Pedestrian & Bike Facilities	11,590,489	10,866,048	-724,441
1	Park & Ride	3,387,267	3,807,556	420,289
1	Multi-Modal Facilities	2,476,909	0	-2,476,909
1	Rail infrastructure	28,931,250	21,249,051	-7,682,199
1	Amtrak	8,150,000	8,350,000	200,000
1	Subtotal	104,404,167	87,092,647	-17,311,520
2	State Highway Infrastructure			
2	Maintenance	89,325,825	87,896,279	-1,429,546
2	Paving	112,841,555	104,199,583	-8,641,972
2	Roadway	39,649,087	51,972,218	12,323,131
2	State bridges	31,403,328	57,636,326	26,232,998
2	Interstate bridges	36,599,190	24,543,000	-12,056,190
2	Traffic Operations	21,081,752	21,515,547	433,795
2	PD Admin & Tech Services	24,559,40	22,748,32	-1,811,08

H.917 FY-19 Transportation		Program		
L	All funding sources	FY18 As Passed	FY19 As Passed	FY19 vs FY18
		8	0	1,811, 088
2	Program Development generally	0	0	0
2	Subtotal	355,460,1 45	370,511,2 73	15,051,12 8
3	Town programs			
3	TH Aid	25,982,74 4	25,982,74 4	0
3	Town Bridges	16,524,00 9	13,324,99 4	- 3,199, 015
3	TH Class 2	7,848,750	7,648,750	-200,000
3	TH Structures	6,333,500	6,333,500	0
3	TH Class 1 supplemental grants	128,750	128,750	0
3	Enhancements	3,893,240	3,600,875	-292,365
3	TH State aid nonfederal disasters	1,150,000	1,150,000	0
3	TH State aid federal disasters	180,000	180,000	0
3	FEMA grant program	5,640,000	5,059,457	-580,543
4	TH VT Local Roads	400,693	403,714	3,021
4	Municipal mitigation grants	9,182,342	9,082,342	-100,000
4	Subtotal	77,264,02 8	72,895,12 6	- 4,368, 902
4	Cross agency labor savings	0	0	0
4	Total All Programs	594,446,1 08	590,196,5 71	- 4,249, 537

Act No. 159 (S.225). Human services; health insurance

An act relating to pilot programs for coverage by commercial health insurers of costs associated with medication-assisted treatment

This act directs the Commissioner of Vermont Health Access to develop pilot programs that engage one or more health insurers in contributing to the funding of licensed alcohol and drug counselors and other medical professionals who serve individuals receiving medication-assisted treatment within Vermont's spoke practices. By January 15, 2019, the Commissioner shall deliver a report to the General Assembly regarding the design and construction of the pilot programs and any recommendations for legislative action.

Effective Date: July 1, 2018

Act No. 160 (H.526). Professions and occupations; Office of Professional Regulation; notaries public

An act relating to regulating notaries public

This act overhauls the State's regulation of notaries public. Prior to this act, the assistant judges of each county were permitted to "appoint as many notaries public for the county as the public good requires," with the appointments running until 10 days after the expiration of the assistant judges' four-year term of office. Qualifications for a notary public commission were based on a notary applicant's being at least 18 years of age and either being a resident of the assistant judges' county or being a resident of an adjoining state and being employed in Vermont. The law empowered commissioned notaries to take acknowledgements, administer oaths and affirmations, and certify copies of documents, but did not provide professional standards for notaries to perform those acts nor provide the assistant judges with regulatory authority over notaries, such as the authority to revoke a commission previously granted.

This act revises Vermont's notary laws and is based on the Uniform Law Commission's Revised Uniform Law on Notarial Acts. It moves regulation of the profession to the Secretary of State's Office of Professional Regulation (OPR) as an advisor profession with a two-year renewal cycle. In addition to age and Vermont residence or employment requirements, the act requires notary public applicants to meet professional conduct standards and to pass a basic examination for an initial commission and complete no more than two hours of continuing education for commission renewal. The act further provides standards for notarial acts, including standards for taking acknowledgements and verifications, attesting signatures, and identifying individuals; requires a notarial act to be evidenced by a certificate; and defines notarial unprofessional conduct, which could result in disciplinary action.

The act provides exemptions for some of its requirements: Specified Judiciary- and public safety-related employees acting within the scope of their official duties are only required to apply for a commission and pay a fee (unless also exempted from the fee); attorneys are not required to take the initial examination or continuing education; and specified public officers are exempted from paying the commission fee. Moreover, the act requires certain State officers to provide a one-time report on whether certain notarial acts should instead be regulated under a law similar to the Uniform Unsworn Declarations Act.

While the main provisions take effect on July 1, 2019, the act requires OPR to take over the assistant judges' application duties beginning on December 1, 2018 and delays the examination and continuing education requirements until February 1, 2021.

Multiple effective dates, beginning on May 22, 2018

Act No. 161 (H.554). Conservation and land development; dam safety; groundwater source testing

An act relating to the regulation of dams and the testing of groundwater sources

This act establishes standards for the safety and regulation of dams within the jurisdiction of the Department of Environmental Conservation (DEC). The act also requires a new groundwater source to be tested prior to use as a well.

The act defines the term "dam" as an artificial barrier capable of impounding water, other liquids, or accumulated sediments. The term "dam" includes an artificial barrier previously capable of impounding water, liquid, or sediments that was partially breached and has not been properly removed. The term "dam" does not include: barriers created by wild animals; transportation infrastructure; stormwater management structures; water storage tanks; agriculture waste storage facilities; or other structures identified by rule. Intake structures in existence on July 1, 2018 are presumed to be in compliance with dam safety and registration requirements if the intake structure: does not require a new authorization for construction, repair, or other use; or is not subject to a dam safety order.

The act requires DEC to adopt rules establishing a schedule for inspection of dams under its jurisdiction. The act clarifies the methods for dam inspection. DEC and the Public Utility Commission (PUC) shall assess the hazard potential classification of a dam based on potential loss to human life, property damage, and economic loss if a dam failed. The PUC has adopted a hazard classification system by rule. The act authorizes DEC to adopt a hazard potential classification by rule.

DEC shall maintain an inventory of all known dams in the State. If a dam is listed on the inventory and is under DEC jurisdiction, the person owning title to the dam or the land owner owning the land shall submit, upon DEC's

request, information about the dam necessary to ensure public safety. Failure to provide the requested information would be subject to a civil penalty. Failure to file a dam inspection report or registration when required shall not be an encumbrance on record title or affect marketability of title.

The act requires DEC to adopt rules for the regulation of dams under its jurisdiction. The rule shall include: exemptions from registration or inspection; standards for siting, design, construction, operation, maintenance, inspection, repair, or breach; requirements for emergency action plans; criteria for hazard potential classification; and the process for registration. The act would transfer jurisdiction over agricultural dams from the natural resources conservation districts to DEC.

The act requires a new groundwater source to be tested prior to use as a well by the person who owns or controls the groundwater source. A groundwater source is defined as any supply of water from the ground, including a well. The groundwater source shall be tested for: arsenic, lead uranium, gross alpha radiation, total coliform bacteria, nitrate and nitrite, fluoride, manganese, or any chemical required by Agency of Natural Resources (ANR) rule. ANR may require testing for a chemicals by region or area. ANR shall adopt rules to implement the testing requirement, including when to test; who is authorized to test; and how to sample. Failure to test a groundwater source shall not affect marketability of title, provided that the test results are forwarded to the Department of Health prior to conveyance of the property. The act requires laboratories conducting groundwater source testing to submit the results to ANR and the Department of Health. The act also provides that a permit to operate a failed potable water supply is not required to use a failed supply consisting of only one groundwater source providing water to a single family residence.

Multiple effective dates, beginning on May 22, 2018

Act No. 162 (H.562). Domestic relations; parentage

An act relating to parentage proceedings

This act repeals existing parentage laws in Title 15 and enacts a new Title 15C that creates a comprehensive, statutory framework for the establishment of parentage, covering voluntary acknowledgement of parentage, presumed parentage, de facto parentage, genetic parentage, parentage by assisted reproduction, and parentage by gestational carrier agreement.

Effective Date: July 1, 2018

Act No. 163 (H.676). Energy; public service; natural resources

An act relating to miscellaneous energy subjects

This act:

- revises the minimum setback requirements applicable to solar electric generation requiring a certificate of public good (CPG) from the Public Utility Commission (PUC);
- amends the statute governing fees charged to support the participation of the Agency of Natural Resources in CPG proceedings before the PUC; and
- establishes a voluntary habitat standard under which solar electric generation sites may claim that they provide benefits to pollinators and shrub-dependent birds.

Effective Date: July 1, 2018

Act No. 164 (H.728). Crimes and criminal procedures; bail

An act relating to bail reform

This act makes various changes to the bail statutes, including:

- Replaces the language “ensure the appearance of the person” to “mitigate the risk of flight from prosecution” to reflect more accurately the legislative intent behind bail.
- Provides that in general no bond shall be imposed upon the temporary release of a person charged with an expungement-eligible misdemeanor, though judges retain the discretion to set bail for these individuals at a maximum of \$200.00.
- Requires the court to consider the defendant’s financial means prior to setting bail.
- Removes the court’s discretion to place a restriction on defendant’s place of abode as a condition to ensure appearance.
- Creates separate lists of considerations for judges when setting conditions to mitigate the risk of flight and conditions to protect the public.
- Provides that the court has the authority to revoke bail if a defendant repeatedly violates the conditions of his or her release only if those violations impede the prosecution of the accused.
- Provides that a defendant held without bail for an offense punishable by life imprisonment when evidence of guilt is great or for a violent felony when the evidence of guilt is great shall not be eligible for release to the Home Detention Program.

The act also:

- Tasks the Joint Legislative Justice Oversight Committee (JOC) with evaluating the Home Detention Program and recommending how to improve and expand it prior to the next legislative session.
- Tasks the Commissioner of Corrections, the Commissioner of Public Safety, the Attorney General, the Executive Director of the Department of State's Attorneys and Sheriffs, and the Director of the Vermont State Police to examine data regarding people of color who are incarcerated in Vermont and report to the JOC during the 2018 legislative interim.

Effective Date: July 1, 2018

Act No. 165 (H.894). Retirement; pensions

An act relating to pensions, retirement, and setting the contribution rates for municipal employees

This act makes miscellaneous changes to the laws applicable to the Vermont State Employees' Retirement System (Title 3), the State Teachers' Retirement System of Vermont (Title 16), and the Vermont Municipal Employees' Retirement System (Title 24). These changes include eliminating out-of-date sections of law in each title, correcting terminology and references, and making consistent changes in all three titles concerning compliance with federal law regarding withdrawing funds under certain circumstances, and how to address errors that result in a member's receiving a different benefit from what he or she should have received. In addition, Sec. 28 of the act sets the contribution rates for municipal employees for fiscal year 2019 and the subsequent three fiscal years.

Effective Date: July 1, 2018

Act No. 166 (H.910). Public records; open meetings

An act relating to the Open Meeting Law and the Public Records Act

This act:

- adds a definition of "business of the public body" to the Open Meeting Law (OML) and specifies certain types of gatherings are not meetings for purposes of the OML;
- adds findings to the Public Records Act (PRA) regarding the value of public records;
- adds a provision to require that, starting with any exemption to the PRA enacted or substantively amended in legislation introduced in the General Assembly in 2019 or later, the exemption will be repealed the

fifth year after its enactment, reenactment, or substantive amendment unless the General Assembly reenacts it or the law otherwise requires;

- requires the Office of Legislative Council to compile a list of PRA exemptions that are repealed or narrowed in scope on or after January 1, 2019 and biennially to update the list;
- specifies that a record produced or acquired during the period of applicability of a PRA exemption that is subsequently repealed or narrowed in scope shall, if exempt during that period, remain exempt following the repeal or narrowing in scope of the exemption unless otherwise provided by law;
- reorganizes the section of the PRA that addresses the time period and process for responding to a records request and, in the same section, clarifies the default time period for responding to a PRA request at the initial and appeal stages and requires certifications that a record is in storage or does not exist to be made promptly;
- requires the head of a State agency or department to designate a person accountable for overseeing the processing of requests for public records and to post that person's contact information on the website of the State agency or department;
- adds a new section to the PRA that codifies, with minor modifications, a provision of existing session law that requires the Secretary of Administration to maintain a Public Records Request System cataloging information about PRA requests received by Executive Branch State public agencies, and repeals the existing session law.

Multiple effective dates, beginning on July 1, 2018

Act No. 167 (H.912). Health; Green Mountain Care Board; Health Resource Allocation Plan; certificates of need

An act relating to the regulatory duties of the Green Mountain Care Board

This act revises the scope of the Health Resource Allocation Plan to focus it on the identification of Vermont's critical health needs, goods, services, and resources. The act directs the Green Mountain Care Board (GMCB) to use the revised Health Resource Allocation Plan to inform its regulatory processes, cost containment and statewide quality of care efforts, health care payment and delivery system reform initiatives, and any allocation of health care resources in the State. The act updates and revises requirements for the GMCB to develop an annual expenditure analysis and an estimate of future health care spending needs. It updates and modifies certain elements of the certificate of need (CON) process for new health care projects, including:

- Increasing certain monetary thresholds that trigger a CON requirement
- Requiring a hospital to get a CON before offering any home health service, as was already required for non-hospitals
- Allowing the GMCB to adjust the monetary thresholds that trigger a CON requirement periodically by up to the rate of inflation and eliminating a rulemaking requirement
- Excluding from a CON requirement the routine replacement of nonmedical equipment and fixtures
- Modifying the criteria that the GMCB uses in deciding whether to grant a CON
- Making changes to the expedited review process and creating a presumption of expedited review for certain projects
- Replacing a requirement that public notice of an application be published in newspapers with a requirement that notice be provided on the GMCB's website
- Increasing the maximum penalty amounts for entities that violate the CON laws

The act specifies that the GMCB can delegate to its members, officers, and employees any service within the GMCB's jurisdiction except final decisions in regulatory matters. It requires the GMCB to review and release annually an advisory opinion on any all-inclusive population-based payment arrangement between the Department of Vermont Health Access and an accountable care organization for the following calendar year. The act modifies requirements for annual Medicaid budget estimates and revises the billback formula by which the GMCB assesses regulated entities for costs associated with their regulation. It also directs the Agency of Human Services to convene a working group to make recommendations on the regulation of freestanding health care facilities, including ambulatory surgical centers, freestanding birth centers, urgent care clinics, and retail health clinics, and on the role of these facilities in a coordinated and cohesive health care delivery system. The working group's recommendations are due to the legislative committees of jurisdiction by February 1, 2019.

Multiple effective dates, beginning on May 22, 2018

Act No. 168 (S.260). Conservation and land development; water quality; stormwater permitting; Petroleum Cleanup Fund

An act relating to funding the cleanup of State waters

This act enacts or amends multiple provisions related to several environmental programs. The act renames the Clean Water Fund Board as the Clean Water Board and provides that the Board shall be responsible and accountable for planning, coordinating, and financing of the State's water quality efforts. Four public members appointed by the Governor are added to the Board, and the Board's recommendations to the Governor shall be public and provided to the General Assembly.

The act directs the Agency of Natural Resources (ANR), the Agency of Agriculture, Food and Markets (AAFM), and the Agency of Transportation to coordinate water quality grant awards to maximize water quality benefit. The act clarifies how ANR will contract with regional planning commissions and natural resources conservation districts for watershed basin planning.

The act authorizes ANR to designate a lake as in crisis. A lake shall be designated in crisis if: the lake is impaired; the lake's condition causes potential harm to public health and risk of environmental damage; and a town reduced valuation of real property due to the lake's condition. ANR shall issue a crisis response plan for a designated lake. ANR or AAFM may enforce requirements in the response plan. Lake Carmi is designated a lake in crisis and the response plan shall require runoff controls.

The act extends from July 1, 2019 to July 1, 2029 the time period in which ANR can authorize payment from the Petroleum Cleanup Fund. It extends the repeal of the licensing fee on motor fuel and on heating fuel, kerosene, or dyed diesel from April 1, 2021 to April 1, 2031. It extends the repeal date of underground storage tank assessments from July 1, 2019 to July 1, 2029. The act also authorizes use of a combination tank system after January 1, 2018 under specified conditions.

The act amends the permit fee for the municipal road general permit to be based on population and road miles in a town, instead of a flat fee. The act changes the date by which a property owner must record in a town land records a notice required to qualify for relief from an encumbrance on their property due to failure to obtain a State stormwater permit prior to 2004.

Extends from January 15 to February 15 the date the annual ANR environmental enforcement report is due to the General Assembly. The act requires the Clean Water Investment Report to summarize investment over the fiscal year, not the calendar year. The act also requires AAFM to report to the General Assembly about the future of farming practices.

The act readopts the repealed mercury added motor vehicle component collection program in the same form as it has been operating since 2005.

The program would be repealed on December 31, 2021 when the motor vehicles manufacturers' national program is scheduled to be repealed. The act also authorizes ANR for one year to approve landfill disposal of mixed paper by a solid waste facility if insufficient markets exist for recycling of paper and alternatives to disposal are not available.

Multiple effective dates, beginning on May 22, 2018

Act No. 169 (S.289). Telecommunications; net neutrality; State procurement contracts

An act relating to protecting consumers and promoting an open Internet in Vermont

This act requires an Internet service provider to certify that it is in compliance with consumer protection and net neutrality standards in order to be eligible to receive a government contract for Internet service beginning April 15, 2019 or the date on which the Governor's Executive Order No. 2-18 (Internet neutrality in State procurement) is revoked and rescinded, whichever is earlier. The act also requires the Attorney General to review the network management practices of ISPs in Vermont and determine whether they are in compliance with the 2015 FCC net neutrality rules and to disclose those findings on a publicly available website.

Effective Date: July 1, 2018

Act No. 170 (H.636). Fish and wildlife; licensing; enforcement; incidental trapping; coyote competitions

An act relating to miscellaneous fish and wildlife subjects

This act amends several fish and wildlife laws. The Commissioner of Fish and Wildlife (Commissioner) is authorized to designate information as confidential if its release could harm a species or its habitat. The Agency of Natural Resources may convey, exchange, sell, or lease lands owned by the Department of Fish and Wildlife to resolve trespass or boundary issues. A license agent shall retain a \$1.50 filing for each lottery application processed.

A federal waterfowl stamp and a State waterfowl stamp are required to hunt migratory waterfowl. The act clarifies what constitutes a "fish and wildlife violation." Muzzle-loading shotguns are added to the list of weapons that may not be fired from a motor vehicle, and a person who possesses a crossbow, muzzle-loading rifle, or muzzle-loading shotgun in a motor vehicle is required to show the weapon to a law enforcement officer if asked.

A person shall not transport into, transport within, transport through, or possess in the State a wild bird or wild animal without the Commissioner's authorization. Similarly, a person is prohibited from: bringing into the State wildlife illegally taken out of State; placing a Vermont wildlife tag on wildlife taken out of State; or reporting in Vermont big game taken out of State.

The act requires a person who incidentally traps a dog or cat to notify the Commissioner. The Commissioner shall keep records of all trapped dogs and cats. A person who traps for compensation is required by the act to have a trapping license.

A person shall not hold or participate in a coyote hunting competition. A person shall be fined no more than \$1,000 nor less than \$400 for holding or participating in a coyote hunting competition. A person shall receive 10 points on their hunting license for participating in a coyote hunting competition and 20 points for holding a coyote hunting competition. The Commissioner shall review criminal and civil charges for fish and wildlife violations.

Multiple effective dates, beginning May 22, 2018

Act No. 171 (H.764). Commerce and trade; consumer protection

An act relating to data brokers and consumer protection

This act adopts consumer protection provisions relating to data brokers, including creating a new set of definitions, requiring annual registration, requiring a data security program, and requiring further study of related issues by the Attorney General.

Multiple effective dates, beginning on May 22, 2018

Act No. 172 (H.608). Human services; Department of Disabilities, Aging, and Independent Living; Older Vermonters Act working group

An act relating to creating an Older Vermonters Act working group

This act creates an Older Vermonters Act working group to develop recommendations for an Older Vermonters Act that aligns with the federal Older Americans Act, the Vermont State Plan on Aging, and the Choices for Care Program. The working group's recommendations are due to the legislative committees of jurisdiction by December 1, 2019.

Effective Date: July 1, 2018

Act No. 173 (H.897). Education; special education funding

An act relating to enhancing the effectiveness, availability, and equity of services provided to students who require additional support

This act changes the State funding model for special education for all supervisory unions in fiscal year 2021, for school year 2020-2021, from a reimbursement model to a census-based model. It also (1) creates an advisory group to assist the State Board of Education in developing its rules to implement these statutory changes and to advise the General Assembly of any statutory changes it determines are necessary or advisable to meet the goals of the act; (2) requires the Agency of Education to conduct a study of weighting factors used to determine education property tax rates and to consider whether the census grant amount should be increased for supervisory unions that have, in any year, relatively higher costs in supporting students who require additional support; (3) requires the Agency of Education, for the 2018–2019, 2019–2020, and 2020–2021 school years, to assist supervisory unions to expand and improve their delivery of services to students who require additional supports; and (4) creates three new positions within the Agency of Education to support special education services.

This act provides the State Board of Education with further tools to deal with an approved independent school's lack of financial capacity and requires approved independent schools that accept public tuition to enroll students on individualized education programs if placed by the local education agency (which in Vermont is the supervisory union). This enrollment requirement does not apply to an independent school that limits enrollment to students who are on an individualized education program or a plan under Section 504 of the Rehabilitation Act of 1973.

Multiple effective dates, beginning on May 25, 2018

Act No. 174 (S. 111). Executive Branch; contracts; privatization contracts

An act relating to privatization contracts

This act amends the requirements for a State agency to enter into a privatization contract by requiring that any privatization contract include certain performance measures. This act also provides that an agency may not renew a privatization contract if the contractor fails to comply with the specified performance measures. In addition, the act requires the Auditor of Accounts to audit a privatization contract prior to its initial term of renewal to analyze whether it is meeting the statutorily set cost savings requirements for privatization contracts and achieving the specified performance measures included in the contract. If either of these requirements is not met, the Auditor of Accounts is required to file a report with the agency that is party to the contract and the House and Senate Committees on Government Operations, and the agency is directed to review whether to renew the contract.

Effective Date: May 25, 2018

Act No. 175 (S.150). Judiciary; motor vehicles; public records

An act relating to automated license plate recognition systems

This act:

- extends by two years the sunset of the laws that regulate the use of automated license plate recognition (ALPR) systems, access to data generated by ALPR systems, and the retention of such data;
- requires the Auditor of Accounts to examine requests for historical ALPR data that resulted in the release of historical data by the Vermont Intelligence Center in order to determine compliance with legal requirements; and
- requires the Department of Public Safety's annual report on ALPR use and data to include the number of stationary units being operated by government agencies in the State.

Effective Date: May 25, 2018

Act No. 176 (S.166). Corrections; health care

An act relating to the provision of medication-assisted treatment for inmates

This act authorizes State correctional facilities to continue medication-assisted treatment to those inmates who enter a facility while undergoing medication-assisted treatment and for whom the continuation of medication-assisted treatment is deemed medically necessary. It further authorizes State correctional facilities to facilitate the commencement of medication-assisted treatment using buprenorphine among inmates for

whom medication-assisted treatment is medically necessary and who were not receiving medication-assisted treatment on their entry into a facility. An inmate receiving buprenorphine may transfer to methadone if it is deemed medically necessary by a provider authorized to prescribe methadone and the inmate elects to commence methadone. An inmate may continue to receive medication-assisted treatment as long as medically necessary. Discontinuance of medication-assisted treatment, or any medication, by a licensed practitioner requires the practitioner to enter the reason for discontinuation in an inmate's medical record. An inmate must receive a specific explanation of the decision to discontinue a medication along with notice of the right to have his or her community-based prescriber notified of the decision.

The act authorizes the Departments of Corrections and of Health to enter into a memorandum of understanding with opioid treatment programs throughout the State in which a State correctional facility is located for the purpose of providing medication-assisted treatment to those inmates for whom a licensed practitioner has determined such treatment is medically necessary.

By January 15, 2022, the Department of Corrections must present to the House Committee on Corrections and Institutions and to the Senate Committee on Institutions an evaluation of the effectiveness of the medication-assisted treatment program facilitated by correctional facilities.

Effective Date: July 1, 2018

Act No. 177 (S.237). Crimes and criminal procedures; public defenders; federal courts; immigration

An act relating to providing representation to needy persons concerning immigration matters

This act clarifies that the Defender General and public defenders may provide representation to clients in federal courts with respect to immigration matters and that the Defender General has the benefit of immunity, as opposed to sovereign immunity.

Effective Date: July 1, 2018

Act No. 178 (S.173). Crimes and criminal procedures; expungement

An act relating to sealing criminal history records when there is no conviction

This act:

- Provides that a person can petition for expungement if he or she committed a subsequent felony at least seven years prior to the expungement petition.

- Substantially reconfigures the statute governing sealing and expungement when there is no conviction to provide for automatic expungements and sealing under certain circumstances.
- Requires the court to keep a special index of expunged cases and removes the authority of the court to allow inspection of the index in the interest of justice.
- Creates a study group to consider expanding the list of qualifying crimes eligible for expungement; the implications of such an expansion on public health, law enforcement efforts, and economic development; and the viability of automating the sealing and expungement process.

Effective Date: July 1, 2018

Act No. 179 (H.593). Commerce and trade; consumer protection

An act relating to miscellaneous consumer protection provisions

This act adopts consumer protection provisions relating to automatic renewal of contracts; retainage for construction materials; credit protection for vulnerable persons; and use of credit information for personal insurance.

Multiple effective dates, beginning on May 28, 2018

Act No. 180 (H.904). Agriculture; produce inspection; livestock transport

An act relating to miscellaneous agricultural subjects

This act grants the Agency of Agriculture, Food and Markets (AAFM) authority needed to enforce the U.S. Food and Drug Administration (FDA) rules for growing, harvesting, packing, and holding of produce for human consumption. The authority granted to AAFM includes enforcement authority to issue cease and desist orders, administrative orders, and verbal orders to protect public health. The act also provides that livestock are not transported to a slaughter facility until offloaded from a transport conveyance at a facility.

Effective Date: May 28, 2018

Act No. 181 (H.576). Conservation and land development; water resources; stormwater

An act relating to stormwater management

H.576 amends requirements for the regulation of stormwater discharges from impervious surfaces. The act authorizes use of stormwater offsets and stormwater impact fees to permit stormwater discharges to all waters

of the State, not just for discharges to Lake Champlain or a stormwater-impaired water.

The act amends the deadline by which the Agency of Natural Resources (ANR) is required to issue a general permit for stormwater discharges from impervious surface of three or more acres in size when the discharge was unpermitted or permitted prior to 2002. The deadline is changed from December 31, 2017 to 120 days after ANR adopts a new stormwater management rule. The act also amends the schedule for implementation of the three-acre permit to require impervious surface in the Lake Memphremagog basin and in a watershed of a stormwater-impaired water to be permitted on or before October 1, 2023.

The act requires a person to obtain a State operational stormwater permit for the new construction or redevelopment of one-half acre of impervious surface, instead of the current one acre of impervious surface. The half-acre permit threshold shall go into effect on July 1, 2022. The act exempts stormwater permits for development or redevelopment of impervious surface from the annual permit fee if the permit is for less than one acre of impervious surface.

The act requires ANR to report annually: whether it is achieving a 70 percent average phosphorus load reduction under the stormwater management rule; the estimated total phosphorus load reduction from impervious surfaces permitted in the previous calendar year; and the number of projects implementing each tier of stormwater treatment in the previous calendar year.

Multiple effective dates, beginning on May 28, 2018

Act No. 182 (H.696). Health; health insurance; individual mandate

An act relating to establishing a State individual mandate

This act establishes an individual mandate for Vermont residents to maintain minimum essential health insurance coverage beginning on January 1, 2020. It expresses legislative intent to enforce the individual mandate through a financial penalty or other enforcement mechanism to be enacted by the General Assembly during the 2019 legislative session. It creates the Individual Mandate Working Group to develop recommendations regarding administration and enforcement of the individual mandate, with the recommendations due to the legislative committees of jurisdiction by November 1, 2018. The act also requires the Department of Vermont Health Access and others to engage in outreach and education efforts before and during the open enrollment periods for health insurance coverage for the 2019 and 2020 plan years regarding the importance of health insurance coverage and Vermonters' responsibilities under the individual mandate.

Multiple effective dates, beginning on May 28, 2018

Act No. 183 (H.707). Labor; employment practices; sexual harassment

An act relating to the prevention of sexual harassment

This act makes numerous changes to Vermont's laws related to sexual harassment, including:

- requiring that a working relationship with a person hired to perform work or services be free from sexual harassment;
- prohibiting employment contracts from containing provisions that prevent an employee from disclosing sexual harassment or waive an employee's rights or remedies with respect to a claim of sexual harassment;
- prohibiting agreements to settle a claim of sexual harassment from including provisions that prevent an employee from working for the employer or an affiliate of the employer in the future;
- requiring an agreement to settle a claim of sexual harassment to state that it does not prevent the employee from reporting sexual harassment to an appropriate governmental agency, complying with a discovery request or testifying at a hearing or trial related to a claim of sexual harassment, or exercising his or her right under State or federal labor law to engage in concerted activity for mutual aid and protection; and
- permitting the Attorney General or Human Rights Commission to inspect a place of business or employment for purposes of determining whether the employer is complying with the law related to sexual harassment.

In addition, the act requires the Attorney General and Human Rights Commission to develop enhanced mechanisms for reporting instances of sexual harassment or workplace discrimination, directs the Vermont Commission on Women to develop education and outreach materials regarding the laws related to and best practices for preventing sexual harassment, and requires a person who files a civil action related to a claim of sexual harassment under Vermont law to provide notice of the action to the Attorney General or Human Rights Commission.

Multiple effective dates, beginning on May 28, 2018

Act No. 184 (H.711). Labor; employment practices; fair employment practices; crime victims

An act relating to employment protections for crime victims

This act amends Vermont's Fair Employment Practices Act to add crime victim status to the list of characteristics that are protected from discrimination under 21 V.S.A. § 495 and to add a definition of "crime victim" to 21 V.S.A. § 495d.

This act also allows employees who are crime victims to take unpaid leave to attend a deposition or court proceeding related to certain criminal proceedings; relief from abuse hearings; order against stalking or sexual assault hearings; or relief from abuse, neglect, or exploitation of a vulnerable adult hearings. The act requires employers to continue employment benefits during the leave, to post notices of the provisions of the law, and, with limited exceptions, to offer an employee the same job upon his or her return from the leave. The act provides an exemption from the leave requirements if the employer provides goods or services to the general public at a location open to the general public and granting leave to the employee would require the employer to suspend all business operations at that location.

Effective Date: July 1, 2018

Act No. 185 (H.777). Municipal government; municipal aid; clean water; Clean Water State Revolving Loan Fund

An act relating to the Clean Water State Revolving Loan Fund

This act amends statutory provisions in 24 V.S.A. chapter 120 relating to the Clean Water State Revolving Loan Fund (CWSRF) as follows:

Secs. 1–10 of this act expand projects eligible for funding from the CWSRF to include natural resources projects. This act also allows the CWSRF to fund natural resources projects that are sponsored by a municipality and paired with a traditional project.

Secs. 11–12 of this act expand eligibility of CWSRF funding to private borrowers to allow access to low-interest loans for water quality projects. Low interest loans from the CWSRF to private borrowers are suspended on June 30, 2023.

Secs. 13–19 of this act make technical corrections in Title 10 and Title 24 to implement the expanded eligibility for borrowers and project types from the CWSRF.

Effective Date: May 28, 2018

Act No. 186 (H.780). Recreation; agricultural fairs; amusement rides

An act relating to rides at agricultural fairs, field days and other similar events

This act requires that amusement rides operated in Vermont must be inspected yearly by certified inspectors and daily by ride owners or operators when the rides are in use. This act also contains language concerning record-keeping requirements, the Secretary of State's duties concerning issuing certificates of operation and other matters, and the responsibilities of ride operators and patrons.

Effective Date: July 1, 2019

Act No. 187 (H.901). Health; health information technology; health information exchange; Department of Vermont Health Access; Vermont Information Technology Leaders, Inc.

An act relating to health information technology and health information exchange

This act requires the Department of Vermont Health Access (DVHA) and the Vermont Information Technology Leaders, Inc. (VITL) to submit several reports to legislative committees of jurisdiction and the Green Mountain Care Board before the 2019 legislative session. By May 1, 2018, DVHA and VITL must have provided a work plan detailing the process by which they will implement recommendations from a health information technology report submitted to the General Assembly in November 2017 (Act 73 report). By September 1, 2018, DVHA and VITL must provide a contingency plan for health information technology that can be used if they are unable to implement the Act 73 report recommendations. By October 15, 2018, DVHA must provide the results of an independent evaluation of DVHA's and VITL's work plan, contingency plan, and progress toward implementing the Act 73 report recommendations. Every two months between May 2018 and January 2019, DVHA and VITL must provide written updates on their progress toward implementing the recommendations. The act also requires DVHA and VITL to provide testimony on their progress toward implementing the Act 73 report recommendations at meetings of the Health Reform Oversight Committee and the Joint Information Technology Oversight Committee at least once every two months.

The act shifts responsibility over Vermont's Health Information Technology Plan from the Agency of Administration to DVHA and modifies the membership of VITL's Board of Directors. It extends the health information technology portion of the health care claims tax for an additional year, through July 1, 2019. It expresses legislative intent to eliminate VITL's statutory designation to operate Vermont's statewide health information exchange network if the Act 73 recommendations are not successfully implemented in a thorough and timely manner.

The act requires DVHA, in consultation with interested stakeholders, to provide recommendations to legislative committees of jurisdiction by January 15, 2019 regarding the consent policy for the exchange of health care information through the Vermont Health Information Exchange and ways to improve the utility and interoperability of electronic health records and health information exchange in Vermont. The act also establishes the Joint Information Technology Oversight Committee, a six-member legislative committee that will oversee investments in and use of information technology in Vermont when the General Assembly is not in session.

Effective Date: May 28, 2018

Act No. 188 (H.907). Housing; safety

An act relating to improving rental housing safety

This act adopts provisions relating to rental housing safety, including creating a rental housing advisory board; improving effectiveness of local health officers; enabling rental housing safety inspection reports; creating a database of rental housing units; and creating an accelerated weatherization and housing improvement program.

Multiple effective dates, beginning on May 28, 2018

Act No. 189 (H.919). Commerce and trade; workforce development

An act relating to workforce development

This act adopts multiple provisions relating to workforce development, including: creating a stakeholder alignment, coordination, and engagement process; adopting provisions relating to career pathways, Career Technical Education programs, adult training programs, and workforce training; creating the Vermont Returnship Program; adopting provisions to grow the workforce and increase participation in it; and adopting provisions relating to data collection and monitoring of programs.

Effective Date: July 1, 2018

Act No. 190 (H.923). Appropriations and finance; bonding; capital construction; budget adjustment; State buildings

An act relating to capital construction and State bonding budget adjustment

This act adjusts the second year of the State's biennial capital budget for fiscal years 2018 and 2019, and authorizes the State to issue \$10,936,961 of additional general obligation bonds that were authorized but not issued in fiscal year 2018. This act also:

Appropriations

- Appropriates capital funds in the amount of \$161,336,502 over two years for capital construction projects, including the following appropriations:
 - \$6,000,000 to the Department of Buildings and General Services in fiscal year 2018 and \$6,900,000 in fiscal year 2019 for statewide major maintenance projects
 - \$1,968,000 to the Department of Buildings and General Services in fiscal year 2019 for 120 State Street for life safety and infrastructure improvements
 - \$2,181,094 to the Department of Buildings and General Services in fiscal year 2018 for 108 Cherry Street for parking garage repairs

- \$1,050,000 to the Department of Buildings and General Services in fiscal year 2019 for the Asa Bloomer building for the rehabilitation of system components and a planning and use study
- \$1,400,000 to the Department of Buildings and General Services in fiscal year 2019 for the State office building in Springfield for the repair of the retaining wall
- \$600,000 to the Department of Buildings and General Services for the Agency of Human Services in fiscal year 2019 for renovations and beds for therapeutic placement at the Chittenden County Regional Correctional Facility and the Northwest State Correctional Facility
- \$500,000 to the Department of Buildings and General Services for the Agency of Human Services in fiscal year 2019 for design and construction documents for the Woodside Juvenile Rehabilitation Center
- \$4,500,000 to the Department of Buildings and General Services for the Agency of Human Services in fiscal year 2019 for the renovation and fit-up of the Brattleboro Retreat
- \$300,000 to the Department of Buildings and General Services for the Agency of Human Services in fiscal year 2019 for an addition and renovations at the Serenity House
- \$1,496,398 to the Judiciary in fiscal year 2019 for the IT case management system
- \$400,000 to the Enhanced 911 Board in fiscal year 2019 for the Enhanced 911 Compliance Grants Program for school safety
- \$1,650,000 to the University of Vermont in fiscal year 2019 for construction, renovations, and major maintenance
- \$3,000,000 to the Vermont State Colleges in fiscal year 2019 for construction, renovations, and major maintenance
- \$1,400,000 to the Agency of Agriculture, Food, and Markets in fiscal year 2019 for phosphorus removal equipment
- \$3,760,000 to the Department of Environmental Conservation in fiscal year 2019 for the Standard EcoSystem Restoration and Protection programs
- \$3,090,000 to the Department of Environmental Conservation in fiscal year 2019 for Municipal Roads Grant-in-Aid
- \$2,000,000 to the Department of Environmental Conservation in fiscal year 2019 for Multi-Sector Clean Water Block Grants

- \$200,000 to the Department of Environmental Conservation in fiscal year 2019 for Lake Carmi for an aeration system or artificial circulation, or both
- \$2,400,000 to the Agency of Transportation in fiscal year 2019 for the Municipal Mitigation Assistance Program
- \$100,000 to the Agency of Transportation in fiscal year 2019 for the Downtown Transportation Fund pilot project
- \$4,000,000 to the Department of Public Safety for the School Safety and Security Grant Program in fiscal year 2019
- \$400,000 to the Department of Labor for the Adult Career and Technical Education Equipment Grant Pilot Program in fiscal year 2019 to provide equipment to support adult tech programs
- \$15,000 to the Sergeant at Arms in fiscal year 2019 to contract with a third party to conduct an assessment of the State House sound system
- \$900,000 to the Department of Public Service VTA wireless network in fiscal year 2019
- \$393,000 to the Department of Public Service for the Northeast Kingdom Fiber Network in fiscal year 2019 for fiber access point construction

This act also does the following:

Clean Water Initiatives

- Authorizes the Commissioner of Environmental Conservation to use up to \$1,400,000 of the amount appropriated for the Standard EcoSystem Restoration and Protection Programs to support capital-eligible clean water projects for Lake Carmi
- Authorizes the Commissioner of Forests, Parks and Recreation to use up to \$50,000 for the Standard EcoSystem Restoration and Protection Programs to support skidder bridges
- Amends the FY 2018 and FY 2019 appropriation to the Vermont Housing and Conservation Board for water quality improvement grants by clarifying that these grants are not subject to a cost-share requirement
- Adds a cost share requirement to the phosphorus removal grant funds of at least 20 percent and caps grants at \$300,000

Corrections

- Directs the Department of Buildings and General Services to construct a therapeutic environment, including three beds at the Chittenden County Regional Correctional Facility and ten or more beds in the Alpha unit at the Northwest State Correctional Facility, for persons under the custody of the Department of Corrections who do not meet

the clinical criteria for inpatient hospitalization but would benefit from therapeutic placement

- Amends the procedure for appointing legislative members to the State Council on Adult Offender Supervision

Department of Buildings and General Services

- The Commissioner of Buildings and General Services:
 - shall prepare and submit a report with 20-year economic projections on whether to sell 108 Cherry Street or renovate it and use it as State office space
 - shall evaluate proposals for a generator, including the use of a generator or battery backup, and notify the Capitol Complex Commission of the proposal if required
 - may use up to \$250,000 to prepare a State-owned building for sale if renovations are needed
 - may not expend any funds for the Brattleboro Retreat renovations until the Commissioner and the Secretary of Human Services notifies the Commissioner of Finance and Management, the House Committees on Corrections and Institutions and on Health Care, and the Senate Committees on Health and Welfare and on Institutions that an agreement has been executed between the State and the Brattleboro Retreat
 - may sell or transfer the buildings and adjacent land located at 1987 Rockingham Road in Rockingham
 - may sell the Rutland Multi-Modal Transit Center
 - may sell or transfer a portion of the land and boardwalk located north of the Emory A. Hebard State Office Building to the City of Newport

E-911

- Amends the statutory requirements for privately owned telephone systems by changing the reference from “privately owned telephone system” to “enterprise communications system,” and requires any enterprise communications system to provide a certain level of 911 service that other end users receive as well as more specific station identification data.

Education

- Authorizes the Secretary of Education to accept applications for planning grants from school districts by October 1, 2018 for capital construction that would result in the consolidation of student populations and the closure of at least one school building

Human Services

- Restricts the use of funds appropriated to the Brattleboro Restricts to capital renovations and fit-up costs and prohibits any funds from being used for periodic lease payments, usage fees, or other operation expenses
- Requires that the State execute an agreement with the Brattleboro Retreat, which shall include certain provisions:
 - the Brattleboro Retreat must provide a minimum of an additional 12 level-1 beds to the State for a period of time determined by the Secretary to be in the best interest of the State,
 - a targeted completion date for the renovation and fit-up project of December 2019; and
 - terms and conditions that ensures the protection of State investment of capital appropriations.
- Authorizes the State Treasurer to approve the agreement prior to execution to ensure it is in compliance with applicable tax-exempt bond requirements.

Labor

- Establishes, under the direction of the Department of Labor, the Adult Career and Technical Education Equipment Grant Pilot Program for the delivery of occupational training for students enrolled in a postsecondary course offered by Vermont's career and technical education centers

Natural Resources

- Authorizes the Commissioner of Forests, Parks and Recreation to enter in an agreement with the Vermont Housing and Conservation Board and the Nature Conservancy to amend their easements to land that abuts the west side of the South Alburgh Cemetery to allow the State to convey land to the Alburgh Cemetery Association.

School Safety

- Establishes, under the direction of the Department of Public Safety, the School Safety and Security Grant Program to enhance safety and security in Vermont schools
- Establishes a School Safety Advisory Group to develop statewide guidelines and best practices concerning school safety and the prevention of school shootings

State House

- Directs the Sergeant at Arms to develop a proposal for a sound system by November 15, 2018 and submit a copy of this proposal to the Committee on Joint Rules and the Secretary of Administration to request inclusion in next year's capital budget request

Effective Date: May 28, 2018

Act No. 191 (H.928). Executive Branch; Judicial Branch; Legislative Branch; State employees; compensation increases; appropriations

An act relating to compensation for certain State employees (Pay Act)

This is the Pay Act for Fiscal Years 2019 and 2020. A Pay Act usually occurs once every two years, after the State and bargaining units representing classified State employees in the Executive Branch negotiate a new two-year collective bargaining agreement. This year, the State and the Vermont State Employees' Association (VSEA) were not able to reach agreement on all of the contract provisions and therefore, pursuant to statute, the State and the VSEA each submitted their last best offers to the Vermont Labor Relations Board. The Board ultimately chose the State's last best offer, which, in regard to most classified Executive Branch employee compensation increases, would provide a **1.9% step increase** in July 2018 and July 2019 (with that 1.9% being the average cost of step pay plan advancement) and a **1.35% across-the-board increase** in January 2019 and January 2020. This Pay Act fully funds the compensation increases provided in the Board decision for classified Executive Branch employees (which, pursuant to statute, means the collective bargaining agreement will take effect at the beginning of Fiscal Year 2019).

Additionally, this Pay Act: 1) allows exempt employees in the Executive Branch to receive those same 1.9% and 1.35% compensation increases that will be provided to classified Executive Branch employees; 2) amends statute to provide those same increases to the Executive and Judicial Branch officers whose salaries are set forth in statutory law; and 3) appropriates money to all three branches of State government in order to fund compensation increases.

Multiple effective dates, beginning on July 1, 2018

Act No. 192 (S.179). Public records; corrections

An act relating to offender and inmate records

This act clarifies and amends the law that governs access to offender and inmate records; directs the Commissioner of Corrections to prefile rules that define and govern access to offender and inmate records with the Interagency Committee on Administrative Rules on or before September 15, 2018; and directs the Commissioner to update the Joint Legislative Justice Oversight Committee on the status of its efforts to adopt the rules at the Oversight Committee's first meeting on or after September 15, 2018.

Effective Date: May 30, 2018

Act No. 193 (S.92). Health; prescription drugs; pharmacists; health insurers; pharmacy benefit managers

An act relating to prescription drug price transparency and cost containment

This act directs a pharmacist who receives a patient's prescription for a biological product to dispense to the patient the lowest-price interchangeable biological product, if one exists, and to notify the prescriber about the specific biological product dispensed. It requires health insurance plans to apply the same cost-sharing requirements to interchangeable biological products as apply to generic drugs under the plan. It also requires health insurers to report certain information to the Green Mountain Care Board about their plans' spending on prescription drugs and the effect of prescription drug costs on the premiums for their plans.

The act expands the provisions of Vermont's prescription drug transparency law to require the Department of Vermont Health Access and health insurers with more than 5,000 covered lives in Vermont to create lists of 10 prescription drugs for which the payer's net cost has increased by 50 percent or more over the past five years or 15 percent or more over the past calendar year. Of the drugs listed by the Department and the insurers, the Office of the Attorney General will identify 15 drugs for which the drugs' manufacturers must provide a justification for the price increase or increases. Each manufacturer must also provide a separate version of its justification that will be made public.

The act requires prescription drug manufacturers to notify the Office of the Attorney General if they are introducing a new, high-cost prescription drug to the market. It prohibits pharmacy benefit managers from prohibiting or penalizing a pharmacy or pharmacist for providing information to an insured about the insured's cost-sharing amount for a prescription drug, disclosing to an insured the cash price of a prescription drug, or selling a lower-cost drug to an insured if one is available. The act also creates a working group to look at prescription drug pricing throughout the supply chain to identify opportunities for savings and for increasing price transparency.

Multiple effective dates, beginning on May 30, 2018

Act No. 194 (S.276). Economic development; rural economic development; forestry; agriculture

An act relating to rural economic development

This act enacts or amends provisions related to rural economic development, forestry, and agriculture. The act amends the authority of the Rural Economic Development Initiative to focus on grant assistance to small towns and rural areas. The act establishes an Outdoor Recreation

Friendly Community Program administered by the Department of Forests, Parks and Recreation (DFPR) and the Agency of Commerce and Community Development (ACCD) to provide incentives for communities to promote outdoor recreation assets.

The act provides that a forest operation requiring an Act 250 permit shall be reviewed as a minor application if it is: a sawmill annually producing 3.5 million board feet or less; or is a forestry operation annually producing 3,500 cords or less of firewood or cordwood or 10,000 tons or less of bole wood, whole tree chips, or wood pellets. The act requires the Commission on Act 250: the Next 50 Years to evaluate Act 250 regulation of trails and the economic impact of Act 250 permits on forestry operations.

The act renames the Farm Viability Program as the Farm and Forest Viability Program and amends the program's authority to address both the agricultural and forest sectors. The act requires the Agency of Agriculture, Food and Markets (AAFM) to adopt by rule a process for certifying nutrient management technical service providers. Beginning on July 1, 2019, a nutrient management technical service provider shall not create a nutrient management plan for a farm unless certified by AAFM.

The act provides that until July 1, 2019, a farmer installing a pipeline in a wetland for manure transport shall pay a \$200.00 permit fee instead of \$0.75 per foot, when the pipeline serves a water quality or conservation practice. On or before January 15, 2019, the act requires the Secretary of Natural Resources to report to the General Assembly regarding whether or how wetlands permit fees should be lowered for activities that serve a water quality benefit or conservation practice.

The act grants AAFM authority needed to enforce the U.S. Food and Drug Administration (FDA) rules for growing, harvesting, packing, and holding of produce for human consumption. The enforcement authority granted to AAFM includes authority to issue cease and desist orders, administrative orders, and verbal orders to protect public health. The act also provides that livestock are not transported to a slaughter facility until offloaded from a transport conveyance at a facility.

The act provides that motor vehicles used for forestry or harvesting shall not be subject to the purchase and use tax for motor vehicles. The act exempts advanced wood boilers from the sales and use tax. In fiscal years 2019 and 2020, the Clean Energy Development Fund shall transfer to the Department of Taxes revenue forgone from the exemption for advanced wood boilers.

The act requires ACCD to recommend to the General Assembly a program under which parcels in rural areas are designated as industrial parks for the purposes of providing regulatory and permitting incentives to businesses sited in the industrial park. The act also requires the Department of Public Service to report to the General Assembly on the effect of electric utility demand charges on the ability of industrial enterprises to locate in rural towns of the State

The act makes several technical amendments to the process for participation of managed forestland in the use value appraisal program (UVA). The act clarifies that a forest management plan shall be filed in the manner and form required by DFPR. The act authorizes wildlife habitat and ecologically significant areas to be enrolled in UVA as part of a forest management or conservation plan. The act also clarifies DFPR's authority to enter forestland enrolled in UVA in order to conduct inspections.

Multiple effective dates, beginning on May 30, 2018

Act No. 195 (S.29). Decedents' estates; probate

An act relating to decedents' estates

This act modernizes and restructures Vermont law regarding wills and decedents' estates. In addition to substantive revisions, awkward and difficult-to-understand language is simplified, unnecessary provisions are eliminated, duplicative provisions are consolidated, archaic language is replaced, terminology is modernized and updated, and gender-neutral language replaces gender-biased terms.

Effective Date: July 1, 2018

Act No. 196 (S.85). Commerce and trade; economic development

An act relating to simplifying government for small businesses

This act directs the Secretary of State and others to review and report on substantive steps to enhance the Secretary's one-stop portal for businesses.

Multiple effective dates, beginning on May 30, 2018

Act No. 197 (S.94). Commerce and trade; economic development

An act relating to promoting remote work

This act creates a new remote worker grant program; creates the ThinkVermont Innovation Initiative; funds economic development marketing; adopts various enabling provisions concerning municipal governance and regulation; expands eligibility for wastewater system and

potable water supply lending; and modifies provisions relating to rural economic development infrastructure districts.

Effective Date: July 1, 2018

Act No. 198 (S.101). Conservation and land development; forestry; nuisance protection

An act relating to the conduct of forestry operations

This act provides that a person conducting a conventional forestry practice is entitled to a rebuttable presumption that the practice does not constitute a public or private nuisance if the person conducts the conventional forestry practice in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont as adopted by the Commissioner and other applicable law. The presumption that a person conducting a conventional forestry practice does not constitute a nuisance may be rebutted by showing: (1) a nuisance resulted from the negligent operation of the conventional forestry practice; (2) a nuisance resulted from a violation of State, federal, or other applicable law during the conduct of the conventional forestry practice; or (3) clear and convincing evidence that the conventional forestry practice has a substantial adverse effect on the health, safety, or welfare of the complaining party.

Effective Date: May 30, 2018

Act No. 199 (S.165). Health; hospitals; preemployment health screening

An act relating to preemployment health screenings for hospital employees

This act expands the categories of licensed health care professionals and designees who may perform preemployment health screenings for hospital employees.

Effective Date: May 30, 2018

Act No. 200 (S.203). Health; mental health

An act relating to systemic improvements of the mental health system

This act makes numerous miscellaneous changes to the State's mental health laws, including several provisions related to mental health parity and evolving plans to increase inpatient capacity. It expresses legislative intent to increase the number of inpatient psychiatric beds in a manner that ensures clinical best practice, support the development of UVM Health Network's proposal to expand capacity at the Central Vermont Medical Center campus, and replace the temporary secure residential recovery facility with a permanent facility. The act requires the Secretary of Human Services to provide regular updates to the Health Reform

Oversight Committee pertaining to the status of proposed renovations at the Brattleboro Retreat and the UVM Health Network's proposal.

The act waives the certificate of need requirements for the implementation of renovations at the Brattleboro Retreat as authorized in the fiscal year 2019 capital budget adjustment bill to ensure the renovations will not be considered a "new health care project." Similarly, it waives the conceptual development phase certificate of need for the UVM Health Network's proposal to expand capacity at the Central Vermont Medical Center campus if certain criteria are met.

The act establishes an Order of Non-Hospitalization Study Committee for the purposes of improving patient care and possibly proposing a pilot project to redress any existing weaknesses and build upon existing strengths related to this judicial proceeding.

The act specifies that if the Department of Disabilities, Aging, and Independent Living were to amend its secure residential recovery facility rules to allow the use of emergency involuntary procedures, the rules adopted must be identical to the rules adopted by the Department of Mental Health that govern the use of emergency involuntary procedures in inpatient psychiatric units.

By January 15, 2019, the act requires that the Secretary of Human Services submit a report to the General Assembly on the secure transport of patients by sheriffs' departments, particularly with regard to contract provisions required by 2017 Acts and Resolves No. 85, Sec. E.314 (transporting patients). By the same date, the Secretary shall present a proposal, in collaboration with the Green Mountain Care Board and designated and specialized service agencies, for providing the designated and specialized service agency budgets to the Board for informational purposes for its work on health care system costs. The act requires the Commissioner of Mental Health to collect data from hospitals in the State that have either an inpatient psychiatric unit or emergency department receiving patients with psychiatric health needs and to report those findings to the General Assembly annually between 2019 and 2021. The act amends the reporting requirements of 2017 Acts and Resolves No. 82, Sec. 3(c). The act requires the Secretary to submit a series of reports pertaining to the State's response to the Centers for Medicare and Medicaid Services' requirement to begin reducing federal Medicaid spending at "institutions for mental disease."

The remaining provisions of the act require the inclusion of mental health parity at various stages of decision making, including as part of the criteria for accountable care organizations, as part of each hospital's strategic planning process, and as part of the certificate of need application process.

Effective Date: July 1, 2018

Act No. 201 (S.234). Judiciary; human services; juvenile delinquency; youthful offender

An act relating to adjudicating all teenagers in the Family Division, except those charged with a serious violent felony

This act:

- Creates a new section of law, providing for automatic expungement of criminal history records of qualifying crimes for people who were 18-21 years old at the time they committed the offense, as long as certain criteria are met.
- Requires courts to keep a special index of expunged cases and limits inspection of an expunged record to the person who is the subject of the expunged record.
- Charges the Department for Children and Families (DCF) as the designated agency for supervising preparation and administration of the State plan for the Juvenile Justice and Delinquency Prevention Act.
- Requires the State's Attorney to consider the results of the risk and needs screening in determining whether to file a charge in a juvenile delinquency or youthful offender proceeding, with the presumption that low-to-moderate risk offenders will be referred to diversion.
- Provides that a person placed at Woodside Juvenile Rehabilitation Center can continue to receive treatment past his or her 18th birthday if he or she meets certain criteria.
- Requires DCF and others to report to the General Assembly on the plan for expanding juvenile delinquency and youthful offender status to encompass 18- and 19-year-olds, and requires the Joint Legislative Justice Oversight and Child Protection Oversight Committees to issue findings as to whether key milestones have been met and whether appropriate funding exists for the expansion.
- Expands jurisdiction of the Family Division to 18- and 19-year-olds over the next four years.
- Appropriates funding to DCF for the purpose of the expansion of services to 18- and 19-year-olds.

Multiple effective dates, beginning on May 30, 2018

Act No. 202 (S.241). Public safety; health; emergency medical services

An act relating to the makeup and duties of the Emergency Medical Services Advisory Committee

This act amends the membership, duties, meeting times, and reporting requirements of the Emergency Medical Services Advisory Committee.

This act also requires that the Advisory Committee meet at least two times between July 1, 2018 and December 31, 2018.

Effective Date: May 30, 2018

Act No. 203 (S.244). Domestic relations; spousal maintenance

An act relating to extending the repeal date for the guidelines for spousal maintenance awards

This act extends the repeal date for the guidelines for spousal maintenance awards to July 1, 2021.

Effective May 30, 2018.

Act No. 204 (S.261). Human services; childhood adversity

An act relating to ensuring a coordinated public health approach to addressing childhood adversity and promoting resilience

This act aims to build upon 2017 Acts and Resolves No. 43 to better coordinate services throughout the State that address childhood adversity and toxic stress and build resiliency. It establishes a Director of Trauma Prevention and Resilience Development within the Office of the Secretary of Human Services for the purpose of directing and coordinating systemic approaches across State government that build childhood resiliency and mitigate toxic stress by implementing a public health approach. In addition to the Director's other responsibilities, he or she is responsible for submitting a status update to the General Assembly on the response plan required pursuant to 2017 Acts and Resolves No. 43, Sec. 4. This act amends some of the reporting requirements in the response plan.

The act adds a principle to the Blueprint for Health, which suggests that providers assess trauma and toxic stress to ensure the whole needs of the person are addressed and opportunities to build resilience and community supports are maximized. It further amends the criteria required to certify an accountable care organization to operate in the State to include the provision of connections and incentives to existing community services for preventing and addressing the impact of childhood adversity.

The act also requires the Agency of Human Services, in collaboration with Vermont Care Partners, to identify opportunities to streamline and better coordinate the provision of services provided pursuant to 1988 Acts and Resolves No. 264.

Effective Date: July 1, 2018

Act No. 205 (S.269). Commerce and trade; economic development

An act relating to blockchain business development

This act modifies the definition of “blockchain” and “blockchain technology”; enables the creation and regulation of personal information protection companies; creates studies for expanding the use and promotion of blockchain technology; enables the creation of blockchain-based limited liability companies; and creates a study for the potential use of blockchain technology in government records.

Effective Date: July 1, 2018

Act No. 206 (S.272). Transportation; motor vehicles

An act relating to miscellaneous changes to laws related to motor vehicles

This act:

- Special Plates and Placards for Persons with Disabilities. Authorizes the Commissioner of DMV to issue a set of special registration plates to the parent or guardian of a person with a permanent disability.
- Eliminating Requirements to Return License Plates. Eliminates the requirement that a motor vehicle registrant return license plates to the Commissioner of DMV when the registration is cancelled following total loss of the vehicle and when the registration is cancelled because the registration will not be used.
- Veterans; Fee Exemptions. Updates existing statutes that grant certain fee and tax exemptions to veterans who receive financial assistance from the U.S. Department of Veterans Affairs to acquire a motor vehicle in order to reflect the current structure of the federal program that provides such financial assistance.
- Total Abstinence Program. Provides that a person who submits an application for reinstatement of his or license under the Total Abstinence Program must include in the application authorization to undergo an examination if it is approved as a preliminary screening test under the State’s DUI law, and makes other miscellaneous changes to the language that governs the Program.
- Means of Transmitting Fuel Tax Payments. Phases in requirements that diesel tax and motor fuel payments be transmitted to the Department of Motor Vehicles by means of an electronic funds transfer.
- Motor Vehicle Purchase and Use Tax. Adds siblings to the class of family members to whom a donor may transfer a motor vehicle without triggering a motor vehicle purchase and use tax obligation, and adds clarifying language to codify existing practice governing

transfers following death and transfers that arise by operation of the law governing intestacy.

- New Motor Vehicle Arbitration. Amends the definition of “manufacturer” in the State’s Lemon Law to specify that, with one exception, in the case of the portion of recreation vehicles (RVs) subject to the Lemon Law, the manufacturer is the final stage assembler of the completed RV, and provides that with certain exceptions, a provision or agreement that purports to waive, limit, or disclaim a consumer’s Lemon Law rights—or that purports to require a consumer not to disclose the terms of the provision or agreement—is void as contrary to public policy.
- Three-wheeled Motorcycles. Requires the Commissioner of DMV to offer operators of three-wheeled motorcycles the opportunity to obtain a motorcycle endorsement and a motorcycle learner’s permit that authorize the operation of three-wheeled motorcycles only, and requires the Commissioner to maintain a list of approved in-state and out-of-state motorcycle rider training courses, successful completion of which will satisfy the skill test requirement for obtaining a motorcycle endorsement.
- Dealer Records of Sales. Repeals a requirement that motor vehicle and motorboat dealers record on DMV’s “Dealer’s Vehicle Record” form the “cash price” of a vehicle or motorboat that is sold or transferred.
- Motor Vehicle Inspections. Narrows the scope of DMV’s authority with regard to the safety component of motor vehicle inspections; directs the Commissioner of DMV to file with the Secretary of State a proposed amended Inspection Manual rule that is consistent with the narrowed scope of rulemaking authority; directs the Commissioner to update the content of inspections conducted through the Automated Vehicle Inspection Program as soon as practicable to be consistent with the narrowed scope of safety inspections; gives the Commissioner authority to establish criteria to allow vehicles that would otherwise fail inspection as a result of the emissions component of the inspection to pass inspection; directs the Commission, in consultation with the Commissioner of Environmental Conservation, to develop a program of waivers related to the emissions component of the State’s inspection program that is consistent with the Clean Air Act; and directs the Commissioners of DMV and of Environmental Conservation to send a written update to the Joint Transportation Oversight Committee on November 30, 2018 with regard to several inspection program-related issues.

Multiple effective dates, beginning on a retroactive effective date to January 1, 2017.

Act No. 207 (S.280). Human services; poverty

An act relating to the Advisory Council on Child Poverty and Strengthening Families

This act establishes the Advisory Council on Child Poverty Strengthening Families for the purpose of examining structural issues in Vermont that lead to families living in poverty and prevent families from moving out of poverty. The Advisory Council is composed of 15 members, including six legislators. The act requires the Advisory Council to submit annually to the General Assembly its compilation of meeting minutes and recommendations for legislative action. The Advisory Council ceases to exist on July 1, 2028.

This act also extends the sunset date of the Joint Legislative Child Protection Oversight Committee to June 1, 2022 and updates the charge of that Committee.

Effective Date: May 30, 2018

Act No. 208 (S.285). Conservation and land development; solid waste; recycling; beverage container redemption; escheats

An act relating to universal recycling requirements

This act amends several provisions related to universal recycling or the beverage container redemption system. The act allows a solid waste facility to accept process residuals without separating 100 percent of the mandated recyclables if the Agency of Natural Resources (ANR) approves and the receiving facility has a plan to remove as much mandated recyclables from the process residuals as possible. The act also requires a solid waste management facility to accept leaf and yard residuals only between April 1 and December 15. The act authorizes a solid waste facility to charge for the collection of mandated recyclables.

The act repeals the requirement that that a commercial solid waste hauler offer collection of leaf and yard residuals. The requirement that a hauler offer collection of food residuals is delayed until July 1, 2020. The act clarifies requirements for all persons to separate food residuals from solid waste beginning July 1, 2020. If a hauler operates a bag-drop or fast-trash site at a fixed site to collect solid waste, the hauler shall offer collection of mandated recyclables, leaf and yard residuals, and food residuals. ANR shall consult with a stakeholder group regarding whether haulers shall offer food residual collection.

The act reclaims unredeemed beverage container deposits by requiring the first beverage distributor or manufacturer who collects a beverage container deposit to open a bank account in which all deposits shall be placed. Beginning January 1, 2020, and quarterly thereafter, beverage distributors and manufacturers are required to remit to the Department of Taxes the amount of abandoned beverage containers for the previous calendar quarter. The abandoned deposits are calculated by subtracting from the amount of deposits collected the amount refunded plus any interest on the account. The remitted abandoned deposits would be allocated to the Clean Water Fund for the purposes of that Fund.

Multiple effective dates, beginning on May 30, 2018

Act No. 209 (S.287). Conservation and land development; aquatic nuisance control; Act 250 corrective actions; beverage container redemption

An act relating to aquatic nuisance control, Act 250 corrective actions, and beverage container redemption

This act clarifies that actions taken under a corrective action plan or authorized abatement for a hazardous material release does not require an Act 250 permit or permit amendment for a development. The act also repeals a rule that provides that the Agency of Natural Resources (ANR) will only approve a retailer to refuse to redeem beverage containers if a certified redemption center is located within a five-mile radius of the retailer. ANR shall consult with interested parties and report to the General Assembly in its biennial report due January 2019 with recommended changes or criteria for allowing a retailer to refuse to redeem beverage containers. In addition, the act requires ANR to report to the General Assembly by January 15, 2019 regarding ANR's implementation of the permit for nonchemical aquatic nuisance control activities.

Multiple effective dates, beginning on May 30, 2018

Act No. 210 (S.262). Health; Medicaid; Department of Vermont Health Access; Vermont Health Benefit Exchange; provider taxes; Human Services Board

An act relating to miscellaneous changes to the Medicaid program and the Department of Vermont Health Access

This act makes several changes concerning Vermont's Medicaid program, the duties of the Department of Vermont Health Access (DVHA), health care provider taxes, bronze-level qualified health benefit plans offered through the Vermont Health Benefit Exchange, and other programs and entities. It extends certain timelines relating to provider tax redeterminations and changes from March 31 to June 1 the date by which ambulance agencies must remit their provider tax annually to DVHA. It

requires financial institutions, when requested by the DVHA Commissioner, to provide DVHA with financial information regarding any person or a person's spouse who is applying for or is receiving assistance or benefits from DVHA, and specifies that the financial institution will not be subject to criminal or civil liability for doing so.

The act requires the application for certain Medicaid programs to contain a form of authorization executed by the applicant or beneficiary giving DVHA the authority to obtain financial information about the applicant's or beneficiary's assets. It directs State governmental officials and agencies, when requested by the DVHA Commissioner, to provide DVHA with information regarding any aid given or money paid to any person or a person's spouse who is applying for or receiving assistance or benefits from DVHA. The act requires the Commissioner of Taxes, when requested by the DVHA Commissioner, to compare information provided by applicants for or recipients of assistance with State income tax returns and report his or her findings to the DVHA Commissioner. It also requires each unit of the Superior Court to provide the DVHA Commissioner monthly with a list of all new estates opened during the previous month.

The act eliminates a requirement that DVHA apply by March 1, 2019 for a federal waiver of the cost-sharing limitations or actuarial value limitations, or both, for bronze-level qualified health plans offered through the Vermont Health Benefit Exchange. It allows one or more bronze plans that do not meet Vermont's out-of-pocket prescription drug limit to be offered annually through the Vermont Health Benefit Exchange as long as there will be at least two bronze plans that include the out-of-pocket prescription drug limit, and the Green Mountain Care Board finds that offering plans without the limit will not adversely impact the plan options for consumers with high prescription drug needs who benefit from the limit.

The act specifies that for expedited Medicaid fair hearings, the Human Services Board must delegate both its fact-finding and final decision-making authority to a hearing officer, whose written findings and order will constitute the Board's decision and order. It narrows the circumstances under which the Secretary of Human Services may reverse a decision of the Human Services Board and requires beneficiaries appealing Medicaid covered service decisions to exhaust DVHA's internal appeals process before filing a request for a fair hearing with the Human Services Board. The act directs the Agency of Human Services to adopt rules establishing a process by which the Agency will ensure that a Medicaid beneficiary who files a request for a fair hearing with the Human Services Board before exhausting DVHA's internal appeals process will receive consideration as if the beneficiary had properly filed an internal appeal with DVHA and will receive assistance in filing a timely request for a fair hearing with the Human Services Board if the internal appeal

results in an adverse determination. The act also modifies the membership of the legislative Health Reform Oversight Committee by removing the Chair of the Senate Committee on Economic Development, Housing and General Affairs as a member and adding instead one member of the Senate appointed by the Committee on Committees.

Multiple effective dates, beginning retroactively to January 1, 2018

2018 MUNICIPAL ACTS

These act summaries are provided for the convenience of the public and members of the General Assembly. They are intended to provide a general summary of the acts and may not be exhaustive. They have been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. They are not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. M-1 (H.241). Municipal charters; solid waste; Central Vermont solid waste management district

An act relating to the charter of the Central Vermont Solid Waste Management District

This act approves amendments to the charter of the Central Vermont Solid Waste Management District.

Effective Date: July 1, 2017

Act No. M-2 (H.327). Municipal charters; solid waste; Northeast Kingdom Solid Waste Management District

An act relating to the charter of the Northeast Kingdom Solid Waste Management District

This act approves amendments to the charter of the Northeast Kingdom Solid Waste Management District.

Effective Date: July 1, 2017

Act No. M-3 (H.520). Municipal government; municipal charters; Town of Stowe; amendment

An act relating to approval of amendment to the charter of the Town of Stowe

This act amends the charter of the Town of Stowe to allow the Selectboard to hold the annual Town meeting on the first Tuesday of March or on any of the three immediately preceding days.

Effective Date: May 17, 2017

Act No. M-4 (H.524). Municipal government; municipal charters; Town of Hartford; amendments

An act relating to approval of amendments to the charter of the Town of Hartford

This act makes miscellaneous amendments to the charter of the Town of Hartford. Aside from amendments that are technical or stylistic in nature, this act makes the following substantive amendments:

- Renaming, providing the dates for, and describing the items to be addressed at the budget and candidates' meeting and floor meeting held before the annual Voting Day;
- Providing that a moderator shall preside at all events during the town meeting cycle;
- Eliminating the Town Clerk, listers, and trustees of public funds from list of elected officers; and
- Providing for the appointment and duties of Town Clerk, Assessor, and trustees of public funds.

Effective Date: May 17, 2017

Act No. M-5 (H.536). Municipal government; municipal charters; Town of Colchester; amendments

An act relating to approval of amendments to the charter of the Town of Colchester

This act makes miscellaneous amendments to the charter of the Town of Colchester. Aside from amendments that are technical or stylistic in nature, this act includes the following substantive amendments:

- Removing the Grand Juror from the list of elected Town officers
- Requiring the Selectboard to post official records of proceedings and policies on the Town's website
- Increasing the Selectboard emergency appropriation expenditure limit from two percent to four percent above the adopted annual budget and requiring that there be an opportunity for public comment prior to doing so
- Removing the requirement that appropriations of funds in excess of the Selectboard's budget be approved by Australian ballot
- Requiring that the removal of a Town Manager be approved by a majority of the entire Selectboard, requiring that removal be for cause, and updating the procedure for such removal

- Excluding certain appropriations from the required statement of appropriations and five-year capital budget prepared by the Town Manager
- Prohibiting Town department heads from exceeding approved expenditures
- Requiring the Selectboard to adopt a conflict of interest policy
- Requiring that the Town charter be reviewed at a maximum five-year interval

Effective Date: May 17, 2017

Act No. M-6 (H.130). Municipal government; municipal charters; Town of Hartford; amendment

An act relating to approval to amendments to the charter of the Town of Hartford

This act amends the charter of the Town of Hartford to allow the Town to levy a local option tax of one percent on rooms, meals, and alcoholic beverages. The net proceeds of the tax would be deposited in a capital reserve fund until otherwise directed by vote of the Town.

Effective Date: May 22, 2017

Act No. M-7 (H.154). Municipal government; municipal charters; City of Burlington; amendments; general charter procedure

An act relating to approval of amendments to the charter of the City of Burlington and to charter amendment procedure

This act makes miscellaneous changes to the charter of the City of Burlington and amends general municipal law's charter proposal procedure set forth in 17 V.S.A. § 2645.

Sec. 2 amends the charter of the City of Burlington. Aside from amendments that are technical or stylistic in nature, Sec. 2 includes the following substantive amendments:

- Allowing the City to remove and impound vehicles in a municipal parking lot or garage parked in violation of any City ordinance;
- Naming the fund that receives parking-related receipts the "Parking Facilities Fund" and describing the purpose of that fund; and
- Revising the specified uses of on-street parking revenues.

Sec. 2A amends 17 V.S.A. § 2645. Revisions to this general municipal law requirement regarding charter proposals include:

- Requiring a town clerk to certify the date he or she receives an official copy of a charter proposal;
- Requiring a town to post the entirety of a charter proposal in each voting booth for inspection by the voters;
- Listing the charter materials that a town clerk must certify to the Secretary of State; and
- Requiring the Secretary of State to confirm that a town clerk has certified all required materials before sending those materials to the General Assembly and Attorney General.

Effective Date: May 22, 2017

Act No. M-8 (H.356). Municipal government; municipal charters; Town of Berlin; amendments

An act relating to approval of amendments to the charter of the Town of Berlin

This act makes miscellaneous amendments to the charter of the Town of Berlin. Aside from amendments that are technical or stylistic in nature, this act includes the following substantive amendments:

- Adding references to the Town's Administrative Code in sections related to Town governance and officers
- Establishing the officers that are appointed by the Selectboard and deleting corresponding provisions related to the election and duties of those offices
- Deleting provisions related to conflicts of interest that have been moved to the Town's Administrative Code
- Authorizing the Town to adopt and enforce ordinances regulating, licensing, and fixing fees for places of public resort, places dispensing food and drink to the public, theaters, displays of fireworks, public dances and musical performances, mobile home parks, itinerant vendors, exclusive occupancy of a public street, and keeping of pets
- Adding language authorizing the Treasurer with Selectboard approval to forgive certain debts if the amount due is less than \$5.00

Effective Date: July 1, 2017

Act No. M-9 (H.522). Municipal government; municipal charters; City of Burlington; amendments

An act relating to approval of amendments to the charter of the City of Burlington

This act makes miscellaneous amendments to the charter of the City of Burlington. Aside from amendments that are technical or stylistic in nature, this act includes the following substantive amendments:

- Providing that City Council meetings will be held based on a schedule adopted by the City Council;
- Updating the provisions related to the delivery of notice of special meetings to City councilors;
- Increasing the number of members on the Board for Registration of Voters;
- Providing that all three members of the Board of Tax Appeals must be present and voting for a decision, and revising the process for appeals from that Board; and
- Increasing the annual compensation of City councilors.

Effective Date: May 22, 2017

Act No. M-10 (H.529). Municipal government; municipal charters; City of Barre; amendments

An act relating to approval of amendments to the charter of the City of Barre

This act amends two sections of the charter of the City of Barre. The first amendment provides the format for the warning for annual and special City meetings and the procedure for voters to petition for an article to be placed on the warning. The second amendment eliminates the City's Recreational Board.

Effective Date: May 30, 2017

Act No. M-11 (H.534). Municipal government; municipal charters; Town of Calais; adoption and codification

An act relating to approval of the adoption and codification of the charter of the Town of Calais

This act approves and codifies a charter for the Town of Calais. The charter requires the Selectboard annually to appoint a Town Treasurer; provides that the Treasurer shall be the collector of current taxes; prohibits the Town Treasurer from being Treasurer of the Town School District; and specifies that the District shall elect its own Town School District Treasurer. The charter also requires the Selectboard annually to appoint a

Town Auditor and to contract with a public accountant to perform a financial audit of the Town at least every three years.

The act also provides transitional provisions regarding the terms of the elected Town Treasurer and Town Auditors currently in office.

Effective Date: May 30, 2017

Act No. M-12 (H.527). Municipal government; municipal charters; Town of East Montpelier; amendments; East Montpelier Fire District No. 1; merger

An act relating to approval of amendments to the charter of the Town of East Montpelier and to the merger of the Town and the East Montpelier Fire District No. 1

This act makes miscellaneous amendments to the charter of the Town of East Montpelier and merges the Town of East Montpelier and East Montpelier Fire District No. 1. Aside from amendments that are technical or stylistic in nature, this act includes the following substantive amendments:

- Abolishing the offices of Fence Viewer; Weigher of Coal; and Inspector of Lumber, Shingles, and Wood;
- Assigning the duties of Town Grand Juror, Town Agent, and Trustees of Public Funds to the Selectboard;
- Requiring the Selectboard to appoint an interim treasurer if a vacancy occurs in the office of the Town Treasurer;
- Requiring the Selectboard to appoint an Assistant Town Treasurer, Town Clerk, Assistant Town Clerk, Collector of Current Taxes, and Collector of Delinquent Taxes;
- Providing that appointed officers serve one year terms;
- Requiring the Selectboard to appoint a selection committee to recommend candidates for the offices of Town Treasurer and Town Clerk; and
- Establishing a process for the approval and appointment of candidates for the offices of Town Treasurer and Town Clerk.

This act also merges the East Montpelier Fire District No. 1 into the Town of East Montpelier on July 1, 2017. On that date, the East Montpelier Fire District No. 1 shall cease to exist as a political entity or body corporate. The act provides transitional provisions in anticipation of the merger.

Effective Date: June 5, 2017.

Act No. M-13 (H.552). Municipal government; municipal charters; Town of Ferrisburgh; adoption and codification

An act relating to approval of the adoption and codification of the charter of the Town of Ferrisburgh

This act approves the adoption and codification of the charter of the Town of Ferrisburgh. The charter converts the offices of Town Clerk and Town Treasurer from elected positions to ones appointed by the Selectboard. The charter defines the duties of the Town Clerk and the Town Treasurer and provides that those officers need not be residents of the Town.

Effective Date: March 1, 2018

Act No. M-14 (H.568). Municipal government; municipal charters; Town of Barre; amendments

An act relating to approval of amendments to the charter of the Town of Barre

This act approves the following amendments to the charter of the Town of Barre:

- Provides that the Board of Civil Authority shall meet as necessary to fulfill duties and obligations related to the voter checklist;
- Provides that the Town Clerk shall post the voter list in five places 30 days prior to a regular or special Town meeting, except as otherwise provided by general State law; and
- Establishes that the Town charter definition of a quorum of the Board of Civil Authority shall apply in all cases, except for additions to the checklist, in which case general State law shall govern.

Effective Date: March 1, 2018

Act No. M-15 (H.573). Municipal government; municipal charters; City of Rutland; amendment

An act relating to approval of an amendment to the charter of the City of Rutland

This act amends the charter of the City of Rutland to increase the maximum tax for replacement of fire equipment from \$0.004 on the dollar to \$0.0175 on the dollar of the grand list.

Effective Date: March 1, 2018

Act No. M-16 (H.925). Municipal government; municipal charters; City of Barre; amendments

An act relating to approval of amendments to the charter of the City of Barre

This act amends the charter of the City of Barre to allow the City to levy a local option tax of one percent on rooms, meals, and alcoholic beverages. Revenues received from the local option tax shall be designated solely for street and sidewalk reconstruction. The act also amends the City charter to require all contracts to conform with the City's Procurement Policy.

Effective Date: May 21, 2018

Act No. M-17 (H.926). Municipal government; municipal charters; Town of Colchester; amendments

An act relating to approval of amendments to the charter of the Town of Colchester

This act amends the charter of the Town of Colchester to convert the office of Town Clerk and Treasurer from an elected office to one appointed by the Town Manager. Under the act, the Town Manager would have the authority to appoint and fix the salary of the Town Clerk and Treasurer with the advice and consent of the Selectboard, and would have the exclusive authority to suspend and remove the Town Clerk and Treasurer.

Effective Date: May 21, 2018.

Act No. M-18 (H.927). Municipal government; municipal charters; City of Montpelier; amendments

An act relating to approval of amendments to the charter of the City of Montpelier

This act amends the charter of the City of Montpelier to:

- Remove references to schools, school improvements, and the City's Board of School Commissioners, and to provide for the election of members of the Board of School Directors of the Montpelier-Roxbury Unified Union School District as set forth in the June 20, 2017 Articles of Agreement between the City and the Roxbury Town School District. The act further provides that on July 1, 2018, the Montpelier School Department shall cease to exist and shall be supplanted by the new unified union school district.
- Remove City-specific provisions for certificates of nomination and provide that the process be governed by general State law.

- Stagger the terms of the members of the Planning Commission and of the Development Review Board, and increase the number of members of the Development Review Board from five to seven.
- Provide that the tax on the City's grand list shall not be levied upon an owner whose personal property value does not exceed an assessed value of \$10,000.00.

Effective Date: May 21, 2018.

Act No. M-19 (H.716). Municipal government; municipal charters; Edward Farrar Utility District, charter adoption; Village of Waterbury, charter repeal; merger of Village into District

An act relating to approval of the adoption of the charter of the Edward Farrar Utility District and the merger of the Village of Waterbury into the District

This act approves the adoption of the charter of the Edward Farrar Utility District, repeals the charter of the Village of Waterbury, and provides for the transition of assets, liabilities, and certain offices from the Village to the District.

On the effective date, the Village of Waterbury will cease to exist as an incorporated entity and will be replaced by the District, which shall have the same boundaries as the Village. The adopted District charter establishes the District for the purpose of providing water and sewer services and holding and maintaining property, assets, and liabilities that it shall acquire from the Village. The District charter establishes a Board of Utility Commissioners as the legislative body of the District; sets the annual meeting date for District residents; and specifies the District's powers.

Effective Date: July 1, 2018

2018 SPECIAL SESSION

These act summaries are provided for the convenience of the public and members of the General Assembly. They are intended to provide a general summary of the acts and may not be exhaustive. They have been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. They are not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 1 (H.7) (Special Session). Alcoholic beverages; Lottery Commission; Department of Liquor Control

An act relating to creating the Department of Liquor and Lottery and the Board of Liquor and Lottery

This act:

- merges the Department of Liquor Control with the State Lottery to create the Department of Liquor and Lottery and merges the Liquor Control Board with the Lottery Commission to create the Board of Liquor and Lottery;
- permits the Board of Liquor and Lottery to adopt procedures, in lieu of administrative rules, to govern multijurisdictional lottery games and provides that the adopted procedures will have the force of law;
- repeals the prohibition on outdoor signs that advertise alcohol or indicate where it may be purchased and requires outdoor signs that advertise alcohol or indicate where it may be purchased to comply with the State sign law, 10 V.S.A. chapter 21; and
- requires the Commissioner of Liquor and Lottery to conduct a review of the integrity of Lottery sales practices and to report to the Joint Fiscal Committee on or before October 1, 2018 regarding his or her findings and with a recommendation regarding whether a lottery sales agent, the employees of a sales agent, and the members of the immediate household of a sales agent or employee of a sales agent should be prohibited from purchasing lottery tickets from the agent's licensed location.

Multiple effective dates, beginning June 19, 2018

Act No. 2 (H.8) (Special Session). Executive Branch; General Assembly; boards and commissions

An act relating to boards and commissions

This act addresses the following issues regarding boards and commissions:

- Merges the Water Well Advisory and Groundwater Coordinating Committees (Secs. 1-3);
- Repeals the Valuation Appeal Board (Secs. 4 and 5);
- Permits members of the Commission on Women and of the New England Interstate Water Pollution Control Commission to receive per diem compensation (Secs. 6-8);
- Establishes a temporary Sunset Advisory Commission to review and make recommendations regarding the State's boards and commissions, including their necessity, their powers and duties, and the per diem compensation of their members (Secs. 9-11);
- Requires the Secretary of State to maintain an online inventory of the State's boards and commissions (Sec. 12);
- Revises the Senate membership on the Health Reform Oversight Committee (Sec. 13); and
- Amends provisions relating to the membership and duties of the Labor Board Review Panel (Sec. 14).

Multiple effective dates, beginning on July 1, 2018

Act No. 3 (H.10) (Special Session). Transportation; transportation network companies; regulation; insurance

An act relating to transportation network companies

This act imposes statewide regulatory requirements on transportation network companies. The requirements pertain to motor vehicle insurance and driver background checks. The act also provides for administrative penalties for noncompliance with these new requirements.

Effective Date: July 1, 2018

Act No. 4 (S.2) (Special Session). Commerce and trade; consumer protection

An act relating to regulating finance leases for credit card terminals

This act creates a new subchapter within Vermont's Consumer Protection Act to regulate the solicitation of, and terms and provisions of, credit card terminal finance leases.

Effective Date: July 1, 2018

Act No. 5 (S.3) (Special Session). Education; protecting students from sexual exploitation

An act relating to sexual exploitation of students

This act:

(1) Adds cross references in Title 16 (Education) and Title 13 (Crimes and Criminal Procedure) to the existing statute in Title 21 (Labor) that prohibits confidential employment separation agreements from inhibiting the disclosure to prospective employers of factual information about a prospective employee's background that would lead a reasonable person to conclude that the prospective employee has engaged in conduct jeopardizing the safety of a vulnerable adult or minor. It also prohibits confidential employment separation agreements that inhibit these disclosures to responsible licensing entities.

(2) Requires that a board member, superintendent, or headmaster and employees of a supervisory union, school district, or recognized or approved independent school provide factually correct information concerning a former employee's employment record to a prospective employer of that individual if requested by the prospective employer. It grants immunity to the reporter from civil or criminal liability for disclosing this information if the reporter was acting in good faith.

(3) Creates the Committee for Protecting Students from Sexual Exploitation to recommend whether behaviors by an employee of, or contractor for, a public school or recognized or approved independent school that are designed to establish a romantic or sexual relationship with a child or a student (so-called "grooming behaviors") should be unlawful under Vermont law.

(4) Requires the Agency of Education to develop a model policy on electronic communications between school employees and students designed to prevent exploitation of children and that this policy be adopted by public schools and recognized and approved independent schools for the 2019–2020 school year and maintained for future school years.

Effective Date: June 19, 2018

Act No. 6 (H.9) (Special Session). Commerce and trade; consumer protection

An act relating to the fair repair of consumer electronic devices

This act creates a task force to review and consider the issues relating to the ability of consumers and independent businesses to access schematics, technical information, specialized equipment, etc., to repair consumer electronic devices.

Effective Date: July 1, 2018

Act No. 7 (S.1) (Special Session). Health; health insurance; co-payments; chiropractic care; physical therapy

An act relating to co-payment limits for chiropractic care and physical therapy

This act establishes limits on the amount of the co-payment requirement that certain health benefit plans can impose for chiropractic care and physical therapy services. For plan year 2019 only, the act limits the amount of the co-payment requirement that silver- and bronze-level plans offered through the Vermont Health Benefit Exchange (Exchange), and reflective silver plans offered outside the Exchange, may impose for chiropractic services to the amount of the co-payment requirement for primary care services under the plan. Beginning in plan year 2020, the act limits the amount of the co-payment requirement that silver- and bronze-level Exchange plans and reflective silver plans may impose for chiropractic care and physical therapy services to between 125 and 150 percent of the co-payment requirement for primary care services under the plan.

The act requires the Department of Vermont Health Access (DVHA) and the insurers offering plans through the Exchange to report to the General Assembly and the Green Mountain Care Board (GMCB) by January 1, 2019 on the projected impact of the chiropractic co-payment limit for plan year 2019 on the plans' premium rates and actuarial values and on plan designs. It directs DVHA and the Exchange insurers to report to the General Assembly and the GMCB by January 1, 2020 on the projected impacts of the co-payment limits for chiropractic care and physical therapy services in effect beginning in the 2020 plan year on the plans' premium rates and actuarial values and on plan designs. It also requires DVHA and the Exchange insurers to report to the General Assembly and the GMCB by November 15, 2021 on the impact of the chiropractic and physical therapy co-payment limits on utilization of chiropractic care and physical therapy services.

The act requires DVHA to convene a working group to develop recommendations regarding insurance coverage for nonopioid approaches, including nonpharmacological approaches, to treating and managing pain. The working group must provide its recommendations to the General Assembly by January 15, 2019.

Multiple effective dates, beginning on June 25, 2018

Act No. 8 (S.4) (Special Session). Judiciary; civil and criminal court procedures

An act relating to miscellaneous judiciary procedures

This act makes a number of amendments related to criminal and civil procedure statutes, including clarifying that the Juvenile and Adult Court Diversion Programs can accept cases from the Youth Substance Abuse

Safety Program, providing that the records of successful Diversion Program participants are expunged rather than sealed, establishing a special index of records that have been expunged from the Diversion Programs, adding kidnapping to the list of offenses that can be the basis of a felony murder charge, and providing immunity to animal shelter and rescue organizations that provide care or treatment to animals during animal cruelty investigations.

Multiple effective dates, beginning on July 1, 2018.

Act No. 10 (S.6) (Special Session). Taxation and fees; health

An act relating to short-term rentals

This act enables the Commissioner of Health to inspect a short-term rental or records related to a short-term rental. It requires the operator of a short-term rental to post within the unit a telephone number for the person responsible for the unit and contact information for the Department of Health and Department of Public Safety's Division of Fire Safety. It also requires a short-term rental operator to post the corresponding meals and rooms tax account number on any advertisement for the short-term rental. The act requires the Department of Health, in collaboration with the Department of Public Safety's Division of Fire Safety, to prepare educational materials for short-term rental operators, including a self-certification form that shall be retained by operators. The Department of Taxes is required to distribute the educational materials to short-term rental operators. The Commissioner of Taxes, in collaboration with the Commissioner of Health and the Executive Director of the Public Safety's Division of Fire Safety, is required to submit a report to the General Assembly pertaining to the number of short-term rental units and operators in Vermont by January 15, 2019. The Commissioner of Health, in collaboration with the Executive Director of the Department of Public Safety's Fire Safety Division, shall submit a report to the General Assembly pertaining to complaints received about short-term rentals by January 15, 2020.

Effective Date: July 1, 2018

Act No. 11 (H.16) (Special Session). Appropriations and finance; education financing; vital records; school employee health benefits

An act relating to making appropriations for the support of government, financing education, and vital records

This is the budget bill.

For more information on the budget portions of the bill in Secs. B.100–G.100, see the website of the Joint Fiscal Office at http://www.leg.state.vt.us/jfo/budget_fy2019.aspx

In terms of personal income taxes, in Secs. H.1–H.7 the act:

- creates a Vermont personal exemption, standard deduction, and charitable credit to replace Vermont’s current reliance on federal definitions and its current treatment of itemized deductions;
- creates a charitable donation tax credit, which is equal to 5% of the first \$20,000 in charitable contributions claimed at the federal level;
- lowers Vermont’s marginal rates for personal income taxes;
- increases the percentage of the earned income tax credit; and
- excludes certain taxable Social Security benefits from State taxation.

In terms of education financing, in Secs. H.8–H.15 and Sec. H.17 the act:

- eliminates the General Fund Transfer and reallocates certain Education Fund and General Fund revenues and expenses;
- sets the property dollar equivalent yield, income dollar equivalent yield, and nonresidential property tax rate for fiscal year 2019;
- changes how income sensitivity adjustments are calculated; and
- Creates a Vermont Tax Structure Commission to analyze Vermont’s tax structure.

The act in Sec. H.16 creates the Staff-to-Student Ratios Task Force to review and make recommendations on staff-to-student count ratios in public schools. The Task Force shall, on or before December 15, 2018, report its recommendations to the General Assembly, including its recommendation as to whether staff-to-student target ratios should be included in statute for fiscal year 2021.

The act, in Secs. H.18–H.28, relates to school employee health benefits.

It creates the Commission on Public School Employee Health Benefits to determine, through a negotiation process, the amounts of the premiums

and out-of-pocket expenses for school employee health benefits that will be the responsibility of supervisory unions and school districts and the amounts that will be the responsibility of school employees. It establishes negotiation, dispute resolution, and agreement ratification processes for the Commission, and removes health care benefits and coverage from the subjects for local collective bargaining between a supervisory union or school district and school employees. In addition, it provides that collective bargaining agreements for school employees that take effect between July 1, 2018 and June 30, 2020 will expire between July 1, 2020 and September 1, 2020, and that the first agreement on Statewide health benefits negotiated by the Commission will apply to collective bargaining agreements that take effect on or after July 1, 2020.

The act requires that beginning on October 1, 2018 VEHI's board composition must be three members appointed by the organization representing the majority of Vermont school boards and three members appointed by the organization representing the greatest number of Vermont public school employees. It also requires the Department of Financial Regulation to amend its rules, and VEHI to amend its governing documents, to reflect the new board composition.

Secs. 29–31 make administrative and transitional changes.

The act in Secs. I.1–I.11 delays until July 1, 2019 the requirement that all birth and death certificates shall be issued from a Statewide Registration system for vital records.

Multiple effective dates, beginning on July 1, 2018

*[Note: This document is current as of July 11, 2018.
Further summaries will be posted as they become available.]*