

1 Introduced by

2 Referred to Committee on

3 Date:

4 Subject: Executive; boards and commissions; miscellaneous; repeal or revise

5 Statement of purpose of bill as introduced: This bill proposes to repeal or to

6 revise provisions regarding miscellaneous boards and commissions.

7 An act relating to boards and commissions

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 * * * Repeal of Educational Opportunities Working Group * * *

10 Sec. 1. REPEAL OF EDUCATIONAL OPPORTUNITIES WORKING

11 GROUP

12 2012 Acts and Resolves No. 156, Sec. 31 (Educational Opportunities

13 Working Group) is repealed.

14 * * * Repeal of Council of Independent Schools * * *

15 Sec. 2. 16 V.S.A. § 166 is amended to read:

16 § 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS

17 * * *

18 (b) Approved independent schools. On application, the State Board shall
19 approve an independent school that offers elementary or secondary education
20 if it finds, after opportunity for hearing, that the school provides a minimum

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1 course of study pursuant to section 906 of this title and that it substantially
2 complies with the Board's rules for approved independent schools. Except as
3 provided in subdivision (6) of this subsection, the Board's rules must at
4 minimum require that the school have the resources required to meet its stated
5 objectives, including financial capacity, faculty who are qualified by training
6 and experience in the areas in which they are assigned, and physical facilities
7 and special services that are in accordance with any State or federal law or
8 regulation. Approval may be granted without State Board evaluation in the
9 case of any school accredited by a private, State, or regional agency recognized
10 by the State Board for accrediting purposes.

11 * * *

12 (8)(A) If an approved independent school experiences any of the
13 following financial reporting events during the period of its approved status,
14 the school shall notify the Secretary of Education within five days after its
15 knowledge of the event unless the failure is de minimis:

16 * * *

17 (B)(i) If the State Board reasonably believes that an approved
18 independent school lacks financial capacity to meet its stated objectives during
19 the period of its approved status, then the State Board shall notify the school in
20 writing of the reasons for this belief and permit the school a reasonable
21 opportunity to respond.

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1 (ii) If the State Board, after having provided the school a
2 reasonable opportunity to respond, does not find that the school has
3 satisfactorily responded or demonstrated its financial capacity, the State Board
4 may establish a review team, ~~that, with the consent of the school, includes a~~
5 ~~member of the Council of Independent Schools, to:~~

6 (I) conduct a school visit to assess the school's financial
7 capacity;

8 (II) obtain from the school such financial documentation as the
9 review team requires to perform its assessment; and

10 (III) submit a report of its findings and recommendations to the
11 State Board.

12 * * *

13 ~~(d) Council of Independent Schools. A Council of Independent Schools is~~
14 ~~created consisting of 11 members, no fewer than three of whom shall be~~
15 ~~representatives of recognized independent schools. The Secretary shall~~
16 ~~appoint nine members from within the independent schools' community. The~~
17 ~~Secretary shall appoint two members from the public at large. Each member~~
18 ~~shall serve for two years and may be reappointed for up to an additional two~~
19 ~~terms. The Council shall adopt rules for its own operation. A chair shall be~~
20 ~~elected by and from among the members. The duties of the Council shall~~
21 ~~include advising the Secretary on policies and procedures with respect to~~

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1 ~~independent schools. No hearing shall be initiated under this section before the~~
2 ~~State Board or by the Secretary until the recommendations of the Council have~~
3 ~~been sought and received. The recommendations of the Council, including any~~
4 ~~minority reports, shall be admissible at the hearing. [Repealed.]~~

5 * * *

6 * * * Revision of State Advisory Panel on Special Education * * *

7 Sec. 3. 16 V.S.A. § 2945 is amended to read:

8 § 2945. STATE ADVISORY COUNCIL PANEL ON SPECIAL
9 EDUCATION

10 ~~(a) There is created the Advisory Council on Special Education that shall~~
11 ~~consist of 19 members. All members of the Council shall serve for a term of~~
12 ~~three years or until their successors are appointed. Terms shall begin on April 1~~
13 ~~of the year of appointment. A majority of the members shall be either~~
14 ~~individuals with disabilities or parents of children with disabilities.~~

15 ~~(1) Seventeen of the members shall be appointed by the Governor with~~
16 ~~the advice of the Secretary. Among the gubernatorial appointees shall be:~~

17 ~~(A) teachers;~~

18 ~~(B) representatives of State agencies involved in the financing or~~
19 ~~delivery of related services to children with disabilities;~~

20 ~~(C) a representative of independent schools;~~

Commented [BW1]: Provisions based on [2019, H.521 As Passed Senate](#).

See also 20 U.S.C. § 1412(a)(21) (fed law req. for a state to have an advisory panel in order to be eligible for funding assistance for children with disabilities).

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1 ~~(D) at least one representative of a vocational, community, or~~
2 ~~business organization concerned with the provision of transition services to~~
3 ~~children with disabilities;~~

4 ~~(E) a representative from the State juvenile and adult corrections~~
5 ~~agency;~~

6 ~~(F) individuals with disabilities;~~

7 ~~(G) parents of children with disabilities, provided the child shall be~~
8 ~~younger than 26 years old at the time his or her parent is appointed to the~~
9 ~~Council;~~

10 ~~(H) State and local education officials, including officials who carry~~
11 ~~out activities under the McKinney Vento Homeless Assistance Act;~~

12 ~~(I) a representative of higher education who prepares special~~
13 ~~education and related services personnel;~~

14 ~~(J) a representative from the State child welfare department~~
15 ~~responsible for foster care;~~

16 ~~(K) special education administrators; and~~

17 ~~(L) two at large members.~~

18 ~~(2) In addition, two members of the General Assembly shall be~~
19 ~~appointed, one from the House of Representatives and one from the Senate.~~

20 ~~The Speaker shall appoint the House member and the Committee on~~

21 ~~Committees shall appoint the Senate member.~~

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1 ~~(b) The Council shall elect its own chair from among its membership. The~~
2 ~~Council shall meet annually at the call of the Chair, and other meetings may be~~
3 ~~called by the Chair at such times and places as he or she may determine to be~~
4 ~~necessary.~~

5 ~~(c) The members of the Council who are employees of the State shall~~
6 ~~receive no additional compensation for their services, but actual and necessary~~
7 ~~expenses shall be allowed State employees, and shall be charged to their~~
8 ~~departments or institutions. The members of the Council who are not~~
9 ~~employees of the State shall receive a per diem compensation as provided~~
10 ~~under 32 V.S.A. § 1010 for each day of official business and reimbursement~~
11 ~~for actual and necessary expenses at the rate allowed State employees.~~

12 ~~(d) The Council shall:~~

13 ~~(1) assume all responsibilities required of the State advisory panel by~~
14 ~~federal law;~~

15 ~~(2) review periodically the rules, regulations, standards, and guidelines~~
16 ~~pertaining to special education and recommend to the State Board any changes~~
17 ~~it finds necessary;~~

18 ~~(3) comment on any new or revised rules, regulations, standards, and~~
19 ~~guidelines proposed for issuance; and~~

20 ~~(4) advise the State Board in the development of any State plan for~~
21 ~~provision of special education.~~

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1 (a) The State Advisory Panel on Special Education (Panel) is created to
2 provide guidance with respect to special education and related services for
3 children with disabilities in the State. Members of the Panel shall be appointed
4 by the Governor, with the advice of the Secretary of Education. The Panel
5 shall perform the duties, and members of the Panel shall be appointed, in
6 accordance with federal law. In addition to members appointed to the Panel to
7 satisfy the requirements under federal law, the members of the Panel shall
8 include a representative of each body designated by the State under federal law
9 as the Parent Training and Information Center and the Protection and
10 Advocacy System. The total number of members on the Panel shall not exceed
11 37 members.

12 (b) The Panel shall elect an executive committee from among its members.
13 The executive committee shall be composed of seven members of the Panel,
14 one of whom shall be the chair of the Panel. A majority of the members of the
15 executive committee shall be individuals with disabilities or parents of children
16 with disabilities (ages birth through 26 years of age). The executive committee
17 shall call meetings of the Panel and shall direct the work of the Panel.

18 (c) The Panel shall advise both the Agency of Education and the State
19 Board of Education on those matters upon which the Panel is required, under
20 federal law, to advise the State Education Agency.

1 (d) Members of the Panel shall be entitled to per diem compensation and
2 reimbursement of expenses as permitted under 32 V.S.A. § 1010.

3 Sec. 4. TRANSITION

4 (a) On or before August 1, 2020, members shall be appointed to the State
5 Advisory Panel on Special Education under 16 V.S.A. § 2945 to ensure that
6 the membership of the Panel complies with federal law, including the
7 appointment of members who fulfill the requirement that a majority of the
8 members be individuals with disabilities or parents of children with
9 disabilities.

10 (b) On or before December 1, 2020, the Panel shall, in consultation with
11 the Agency of Education, review and update its bylaws, and shall include in its
12 bylaws term limits for all or certain of its members, as the Panel deems
13 appropriate.

14 * * * Repeal of Racing Commission * * *

15 Sec. 5. 31 V.S.A. chapter 13 is amended to read:

16 CHAPTER 13. ~~HORSE RACING~~ [Repealed.]

17 § 601. ~~CONSTRUCTION AND PURPOSE~~

18 ~~This chapter is based upon the taxing power and the police power of the~~
19 ~~State and provides for the establishment, licensing, regulation, and control of~~
20 ~~the pari-mutuel system of wagering on horse races, and is for the protection of~~
21 ~~the public welfare and good order of the people of the State, the support and~~

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1 encouragement of agricultural fairs, and the improvement of the breeding of
2 horses in Vermont. [Repealed.]

3 § 602. ~~RACING COMMISSION~~

4 ~~(a) There is hereby created a Racing Commission consisting of three~~
5 ~~persons. Upon passage of this chapter, the Governor shall appoint, with the~~
6 ~~advice and consent of the Senate, three members of the Commission, not more~~
7 ~~than two members of which shall belong to the same political party, and one~~
8 ~~member to be an official of an agricultural fair, one to hold office until~~
9 ~~February 1, 1961, one to hold office until February 1, 1963, and one to hold~~
10 ~~office until February 1, 1965.~~

11 ~~(b) The Governor shall biennially, with the advice and consent of the~~
12 ~~Senate, appoint a person as a member of the Commission for the term of six~~
13 ~~years, commencing February 1 of the year in which the appointment is made.~~
14 ~~The Governor biennially shall designate a member of the Commission to be its~~
15 ~~chair.~~

16 ~~(c) Each member of the Commission shall receive \$15.00 a day and~~
17 ~~expenses for time actually spent in the performance of the duties of his or her~~
18 ~~office. No member of the Commission shall have any pecuniary interest in any~~
19 ~~racine or in the sale of pari mutuel pools, nor shall any official employees,~~
20 ~~secretary, deputy, officer, representative employee, or counsel participate in~~
21 ~~any pari mutuel pool. [Repealed.]~~

1 § 603. ASSISTANTS AND EMPLOYEES, DUTIES

2 ~~The Commission may employ such assistants and employees as it may~~
3 ~~consider necessary to carry out the provisions of this chapter, fix their~~
4 ~~compensation, and specify the duties to be performed by them. However, the~~
5 ~~Commission shall not appoint to any position under its jurisdiction any~~
6 ~~member of the General Assembly, while the General Assembly is in session.~~

7 [Repealed.]

8 § 604. SEMIANNUAL MEETINGS

9 ~~The Racing Commission shall hold semiannual meetings upon 15 days'~~
10 ~~notice in two newspapers which combined have a general circulation~~
11 ~~throughout the State. The Commission may hold other meetings at such times~~
12 ~~and places as it determines upon reasonable public notice. All meetings shall~~
13 ~~be open to the public as provided in 1 V.S.A. sections 311-314. [Repealed.]~~

14 § 605. RULES AND REGULATIONS

15 ~~The Commission shall make rules for the holding, conducting, operating,~~
16 ~~and simulcasting of all running or harness horse or harness pony races or meets~~
17 ~~at which pari-mutuel pools are sold pursuant to the provisions of this chapter,~~
18 ~~and shall cause to be fingerprinted, under the direction of the Department of~~
19 ~~Public Safety, any and all persons working at or in connection with the~~
20 ~~operation of such horse races, or meets, including grooms, jockeys, and~~
21 ~~drivers. [Repealed.]~~

1 § 605a. ~~LICENSES; REGISTRATIONS~~

2 The following applicable licenses and registrations shall be required by the
3 Commission from all persons participating in racing on the grounds of an
4 association.

5 Owner, Harness \$ 10.00 Trainer Driver, Harness 10.00 Owner and Colors,
6 Thoroughbred 6.00 Colors (Annual) 1.00 Colors (Life) 25.00 Trainer,
7 Thoroughbred 5.00 Authorized Agent 5.00 Trainer, Substitute No Fee
8 Partnership, Thoroughbred 5.00 Stable Name 10.00 Jockey 5.00 Jockey Agent
9 (Each Jockey) 5.00 Jockey, Apprentice 5.00 Jockey, Apprentice Contract No
10 Fee Stable Employees 5.00 Valet, Blacksmith, Outrider, Vendor, Supplier,
11 Track Services 10.00 Veterinarian 10.00 Officials—Association
12 (Administrative, Supervisory, and Security); Concessionaire, Racing;
13 Specialized Services and Staff 10.00 Employees, Pari Mutuel 5.00 Employees,
14 Association—Concession 5.00 Substitute License Fee as indicated Duplicate
15 License 2.00

16 The fee shall be paid at the time of filing of the application. No application
17 for an occupational license shall be accepted unless accompanied by such
18 necessary fee. An amateur is required to take out a certificate. [Repealed.]

19 § 606. ~~HEARINGS~~

20 (a) ~~The Commission may conduct hearings at which all matters pertaining~~
21 ~~to the administration of the affairs of the Commission and all activities~~

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1 ~~conducted under its jurisdiction may be investigated and determined. By its~~
2 ~~chair, it may issue subpoenas for the attendance of witnesses at its hearings.~~
3 ~~Any member of the Commission may administer oaths and affirmations and~~
4 ~~may examine witnesses.~~

5 (b) ~~A person who disobeys a subpoena of the Commission, gives false~~
6 ~~testimony, or presents false evidence to the Commission shall be penalized~~
7 ~~according to law.~~

8 (c) ~~The Commission may investigate as to the ownership and control, direct~~
9 ~~or indirect, of any licensee. Any expense incurred by the Commission in so~~
10 ~~investigating shall be at the expense of the licensee or applicant for a license.~~

11 [Repealed.]

12 § 607. ~~LICENSES REQUIRED; SUNDAY RACING~~

13 ~~No person, association, or corporation shall conduct, hold, or operate any~~
14 ~~running or harness race or meet at which pari-mutuel pools are sold without~~
15 ~~license from the Commission. No pari-mutuel running or harness race shall be~~
16 ~~held on Sunday between the hours of 12:00 midnight and 1:00 p.m. The~~
17 ~~Commission shall not issue a license for holding a race meet on Sunday in any~~
18 ~~town until the town has approved the issuance of said license by majority vote~~
19 ~~of those present and voting at a duly warned annual or special town meeting.~~

20 [Repealed.]

1 § 608. ~~APPLICATION; BOND~~

2 ~~Fair associations or corporations that now conduct annual agricultural fairs~~
3 ~~in Vermont, or Vermont corporations that wish to conduct extended race~~
4 ~~meetings, with a percentage designated for the benefit of the Racing Special~~
5 ~~Fund established pursuant to section 630 of this title, shall be eligible to apply~~
6 ~~for a license. An eligible association or corporation desiring to hold a running~~
7 ~~or harness horse race or meet for public exhibition at which pari-mutuel pools~~
8 ~~are to be sold, shall apply to the Commission to do so. Every fair association or~~
9 ~~corporation conducting horse racing or meets at which pari-mutuel pools are to~~
10 ~~be sold under license from the Commission shall give a bond in a sum not to~~
11 ~~exceed \$75,000.00 as shall be determined by the Commission, with good and~~
12 ~~sufficient surety or sureties, conditioned upon the faithful performance of its~~
13 ~~duties and obligations to the State of Vermont as prescribed by this chapter.~~

14 [Repealed.]

15 § 609. ~~FORMS; FEES~~

16 ~~Applications for licenses shall be filed upon forms prescribed by the~~
17 ~~Commission and shall be accompanied by the required license fee. The fee for~~
18 ~~such license shall be \$20.00 for each period of six days or fraction thereof. The~~
19 ~~application shall be signed and sworn to by the person or the executive officer~~
20 ~~of the association or corporation and shall contain the following information:~~

21 ~~(1) The full name and address of the person, association, or corporation.~~

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1 ~~(2) If an association, the names and residences of the members of the~~
2 ~~association.~~

3 ~~(3) If a corporation, the name of the state under which it is incorporated~~
4 ~~with its principal place of business and the names and addresses of its directors~~
5 ~~and stockholders.~~

6 ~~(4) The exact location where it is desired to conduct or hold races or~~
7 ~~race meets.~~

8 ~~(5) Whether or not the racing plant is owned or leased, and if leased, the~~
9 ~~name and residence of the fee owner, or if a corporation, of the directors and~~
10 ~~stockholders thereof.~~

11 ~~(6) A statement of the assets and liabilities of the person, association, or~~
12 ~~corporation making the application.~~

13 ~~(7) Such other information as the Commission may require but not~~
14 ~~limited in character or detail by subdivisions (1) through (6) of this section.~~

15 [Repealed.]

16 ~~§ 610. ISSUANCE, CONTENTS; REVOCATION~~

17 ~~(a) If the Commission is satisfied that all the provisions of this chapter and~~
18 ~~the rules prescribed have been and will be complied with by the applicant, it~~
19 ~~may issue a license that shall expire on December 31. The license shall set~~
20 ~~forth the name of the licensee, the place where the races or race meets are to be~~

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1 ~~held, and the time and number of days during which racing may be conducted~~
2 ~~by the licensee. It shall not be transferable or assignable.~~

3 ~~(b) The Commission may revoke any license for good cause after~~
4 ~~reasonable notice and hearing. The license of any corporation shall~~
5 ~~automatically cease upon the change in ownership, legal or equitable, of 50~~
6 ~~percent or more of the voting stock of the corporation, and the corporation~~
7 ~~shall not hold a running or harness horse race or meet for a public exhibition~~
8 ~~without a new license.~~

9 ~~(c) The Commission may at any time for cause require the removal of any~~
10 ~~employee or official employed by a licensee. Failure to remove an employee or~~
11 ~~official when so required shall constitute cause for revoking the license of the~~
12 ~~employer. [Repealed.]~~

13 ~~§ 611. PERMITTED USE OF CERTAIN PHARMACEUTICALS~~

14 ~~Under rules adopted by the Commission under section 605 of this title, the~~
15 ~~diuretic drug “lasix” and the anti-inflammatory drug “butazolidine” may be~~
16 ~~administered to horses competing in horse racing authorized and regulated~~
17 ~~under this chapter. [Repealed.]~~

18 ~~§ 612. AUDITS~~

19 ~~The Commission shall procure an audit report of the activities of each track~~
20 ~~for every calendar year by the 1st day of February following, prepared by a~~

~~firm of certified public accountants which is not employed by the licensee.~~

[Repealed.]

§ 613. MINORS

~~No minor, whether attending a race or employed on or about the fair grounds or track, shall be permitted to participate in any pari-mutuel pools or be admitted to any pari-mutuel enclosure. [Repealed.]~~

§ 614. PENALTY

~~(a) Any person, association, or corporation holding, conducting, or simulcasting a pari-mutuel horse race or aiding or abetting same, without a license from the Commission, shall be fined not more than \$1,000.00 or imprisoned not more than one year, or both. Any person, association, or corporation violating any rules or regulations of the Commission shall be fined not more than \$500.00 or imprisoned not more than six months, or both.~~

~~(b) No person shall hold, conduct, operate, or simuleast a pari-mutuel dog race for public exhibition. Any person violating this subsection shall be fined not more than \$1,000.00 or imprisoned not more than one year, or both.~~

[Repealed.]

§ 615. PARI-MUTUEL POOLS

~~(a) Within the enclosure of any race track where is held a race or race meet licensed and conducted under this chapter, and within the enclosure of any place wherein a licensee licensed under this chapter to hold and conduct races~~

Commented [BW2]: Current subsec. (b) – prohibiting dog race betting – was added in 1995.

The SAC's 8/21/19 recommendation is to maintain this dog race betting prohibition and add to it a prohibition on horse race betting. The SAC rationale for prohibiting horse race betting is that:

- such betting is not currently conducted in the State;
- the Racing Commission – created in this T.31 chapter to regulate horse race betting – is therefore not needed; and
- the Leg. should determine the overall scope of sports betting that should be permitted in the State.

Since prohibitions on horse and dog race betting would be the only provisions that would remain in this T.31 chapter, it seems to make more sense from an organizational perspective to move these prohibitions to the subchapter of T.13 (crimes) that currently addresses animal racing.

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1 ~~or race meets is authorized by the Commission to simulcast races or race~~
2 ~~meets, but not elsewhere, the sale of pari-mutuel pools by the licensee is~~
3 ~~permitted and authorized under such regulations as may be prescribed by the~~
4 ~~Commission. Commissions on the flat racing pool shall not exceed 18 percent~~
5 ~~of each dollar wagered except commissions on the flat racing pool from racing~~
6 ~~conducted on Sundays shall not exceed 19 percent of each dollar wagered.~~
7 ~~Except for State agricultural fair associations, commissions on the harness~~
8 ~~racing pools shall not exceed 19 percent of each dollar wagered except~~
9 ~~commissions on the harness racing pools from racing conducted on Sundays~~
10 ~~shall not exceed 20 percent of each dollar wagered and commissions on each~~
11 ~~harness racing trifecta pool shall not exceed 25 percent. For State agricultural~~
12 ~~fair associations, commissions on the harness racing pools shall not exceed 20~~
13 ~~percent of each dollar wagered on win, place, and show wagering and~~
14 ~~commissions on all other forms of wagering shall not exceed 25 percent.~~
15 ~~Commissions on the simulcast racing pools shall not exceed 20 percent of each~~
16 ~~dollar wagered on win, place, and show wagering and shall not exceed 25~~
17 ~~percent of each dollar wagered on all other forms of wagering from racing or~~
18 ~~simulcasting conducted on all days.~~

19 ~~(b) The odd cents of all redistribution to be based on each dollar wagered~~
20 ~~exceeding a sum equal to the next lowest multiple of 10, known as “breakage,”~~
21 ~~shall be paid from all flat, harness, and simulcast racing to the licensee.~~

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1 ~~(e) From the pari-mutuel pool, the Racing Commission established~~
2 ~~pursuant to section 602 of this title shall receive the applicable percentage as~~
3 ~~set forth in this subsection and the licensee shall retain the balance of the pari-~~
4 ~~mutuel pool commission:~~

5 ~~(1) From harness racing, on the total wagered each race day conducted~~
6 ~~Monday through Saturday:~~

7 ~~3% on the first \$150,000.00 plus~~

8 ~~4% on the amount \$150,000.00 \$200,000.00 plus~~

9 ~~5% on the amount \$200,000.00 \$250,000.00 plus~~

10 ~~6% on the amount \$250,000.00 \$300,000.00 plus~~

11 ~~7% on the amount \$300,000.00 \$350,000.00 plus~~

12 ~~8% on all over \$350,000.00~~

13 ~~(2) From flat racing, five and one-half percent on the total wagered each~~
14 ~~race day conducted Monday through Saturday. From simulcast racing, on the~~
15 ~~total wagered each race day:~~

16 ~~2% on the first \$50,000.00 plus~~

17 ~~2.5% on the amount \$50,000.00 \$100,000.00 plus~~

18 ~~3% on the amount \$100,000.00 \$150,000.00 plus~~

19 ~~4% on the amount \$150,000.00 \$200,000.00 plus~~

20 ~~5% on the amount \$200,000.00 \$250,000.00 plus~~

21 ~~6% on the amount \$250,000.00 \$300,000.00 plus~~

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~~7% on the amount \$300,000.00 \$350,000.00 plus~~

~~8% on all over \$350,000.00~~

~~(3) From harness racing, on the total wagered each race day conducted
on Sunday:~~

~~4% on the first \$150,000.00 plus~~

~~5% on the amount \$150,000.00 \$200,000.00 plus~~

~~6% on the amount \$200,000.00 \$250,000.00 plus~~

~~7% on the amount \$250,000.00 \$300,000.00 plus~~

~~8% on the amount over \$300,000.00~~

~~(4) From flat racing, six and one half percent on the total wagered each
race day conducted on Sunday. From simulcast racing, in addition to the
percentages of the total wagered as provided above, on the total wagered on all
days on all forms of wagering other than win, place, and show wagering: on
and after May 30, 1986.~~

~~(5) During any calendar year, the number of programs which the
licensee is licensed by the Commission to conduct shall determine the amount
of the payments to be made under this section to the Racing Commission
established pursuant to section 602 of this title. If, in any year, the licensee
fails to conduct the full number of licensed programs, any payment shortage
shall be reimbursed immediately as due. The Commission has the duty and
authority to make prompt orders, as necessary, to assure reimbursement. The~~

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1 ~~funds received by the Racing Commission shall be managed pursuant to~~
2 ~~section 630 of this title and shall be available to the Racing Commission to~~
3 ~~offset the costs of providing its services.~~

4 ~~(d) [Repealed.]~~

5 § 616. PAYMENT

6 ~~Payment under section 615 of this title shall be made to the Commission not~~
7 ~~later than seven days after each race and shall be accompanied by a report~~
8 ~~under oath showing the total of all the contributions to pari-mutuel pools~~
9 ~~covered by the report and such other information as the Commission may~~
10 ~~require. [Repealed.]~~

11 § 617. REPEALED.

12 § 618. UNCLAIMED TICKET MONEY

13 ~~On or before the first Monday in December of each year every person,~~
14 ~~association, or corporation conducting or simulcasting a race or race meet~~
15 ~~hereunder shall pay to the State Treasurer all monies collected during the year~~
16 ~~for pari-mutuel tickets which have not been redeemed. The monies shall be~~
17 ~~retained by the State Treasurer and he or she shall pay the amount due on any~~
18 ~~ticket to the holder thereof upon an order from the Commission. After the~~
19 ~~expiration of two years any such monies still in the custody of the State~~
20 ~~Treasurer shall become a part of the Racing Special Fund of the State.~~

21 ~~[Repealed.]~~

1 § 619. ~~PARI-MUTUEL EMPLOYEES~~

2 ~~All pari-mutuel concessions shall employ at least 85 percent Vermont~~
3 ~~residents unless special permission is granted by the Commission but in no~~
4 ~~event shall they employ persons who at the time of employment are duly~~
5 ~~elected members of the Vermont General Assembly. [Repealed.]~~

6 § 620. ~~POLICE PROTECTION~~

7 ~~Every licensee shall maintain adequate police protection as may be~~
8 ~~determined by or as may be assigned to the licensee from the Vermont State~~
9 ~~Police by the Commissioner of Public Safety of the State of Vermont, within~~
10 ~~the grounds or pari-mutuel enclosure and public highways adjacent to the~~
11 ~~location of such track. Expenses for such designated police protection shall be~~
12 ~~borne by the licensee. The Department of Public Safety shall have authority to~~
13 ~~expend its own funds for the purpose of paying Vermont State Police to~~
14 ~~maintain the aforesaid adequate police protection, but any funds expended by~~
15 ~~the Department of Public Safety for the assignment and use of Vermont State~~
16 ~~Police to maintain adequate police protection shall be reimbursed to the~~
17 ~~Department by the licensee. Charges collected under this section shall be~~
18 ~~credited to a special fund and shall be available to the Department of Public~~
19 ~~Safety to offset the cost of providing the services. [Repealed.]~~

1 § 621. ~~BREEDING OF HORSES~~

2 ~~The Commission shall encourage and promote the improvement of the~~
3 ~~breeding of horses in Vermont. It may accept donations of thoroughbred,~~
4 ~~standard bred, or other well bred stallions by licensees or others to the State~~
5 ~~for this purpose. It may cooperate with the University of Vermont in furthering~~
6 ~~this program. [Repealed.]~~

7 § 621a. REPEALED.

8 § 622. ~~TOWN VOTE; APPROVAL, REVOCATION~~

9 ~~(a) A license shall not be issued by the Commission under this chapter for~~
10 ~~holding a race meet in any town until the town, at an annual or special meeting~~
11 ~~called for the purpose, has, by majority vote of those present and voting,~~
12 ~~approved the issuance of licenses under this chapter in the town.~~

13 ~~(b) Upon petition by 25 percent of the voters of a town in which racing is~~
14 ~~or may be conducted under license of the Commission, alleging cause for~~
15 ~~suspension of a license, the Commission may suspend the license for the~~
16 ~~holding of races or meets pending hearing on the petition. If upon hearing it~~
17 ~~finds cause exists, it shall suspend the license for a period not to exceed one~~
18 ~~year. [Repealed.]~~

19 § 623. ~~RACING DATES~~

20 ~~The Racing Commission shall be responsible for all racing dates but shall~~
21 ~~not assign dates for race meets at which pari-mutuel wagering is conducted at~~

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1 ~~the same time as an agricultural fair at which horse racing was conducted~~
2 ~~during at least three years of the last 10 years immediately before the passage~~
3 ~~of No. 259 of the Acts of 1959 if the agricultural fair is located within 50 miles~~
4 ~~of the race track at which pari-mutuel racing is to be conducted, unless the~~
5 ~~Commission finds there is no conflict between that race track and the~~
6 ~~agricultural fair. [Repealed.]~~

7 § 624. ~~RACE OFFICIALS~~

8 ~~There shall be at least one representative and such other assistants or~~
9 ~~employees of the Commission, as the Commission shall determine, present to~~
10 ~~supervise each running or harness horse race or meet conducted under this~~
11 ~~chapter. [Repealed.]~~

12 § 625. ~~DEVICES REQUIRED~~

13 ~~Every licensee conducting horse racing under this chapter shall use for each~~
14 ~~race such devices as the Commission may designate to be used to determine~~
15 ~~the respective positions of the first three contestants finishing. [Repealed.]~~

16 § 626. ~~OPERATING FEES~~

17 ~~A licensee for pari-mutuel racing other than an agricultural fair shall pay a~~
18 ~~fee of \$200.00 for each day of racing or simulcasting; an agricultural fair shall~~
19 ~~pay \$20.00 for each day of pari-mutuel racing. The fee shall be paid by the~~
20 ~~licensee to the town treasurer of the town where the race or simulcast is~~

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1 ~~conducted within seven days after the date on which the race or simulcast was~~
2 ~~held. [Repealed.]~~

3 § 627. ~~DEFICITS; ASSESSMENTS~~

4 ~~(a) Annually as of June 30, if, after comparing all racing Commission~~
5 ~~expenditures to the total of fees paid to the Commission under sections 615 and~~
6 ~~618 of this title, there remains a deficit, then the Commission shall, on or~~
7 ~~before August 14 next, assess all licensees under section 610 of this title,~~
8 ~~except agricultural fair licensees, an amount sufficient to cover the deficiency.~~
9 ~~These assessments shall be on an equitable and practicable basis adopted by~~
10 ~~the Commission by rule.~~

11 ~~(b) If any such licensee shall fail to remit payment for the expense~~
12 ~~apportionment billed by the Commission, its license may be revoked or~~
13 ~~suspended for a period of not less than one year.~~

14 ~~(c) In addition to the authority granted in subsection (b) of this section, the~~
15 ~~Commission shall have the same authority to collect assessments levied under~~
16 ~~this section as granted to the Commissioner of Taxes to enforce and collect the~~
17 ~~tax on income under 32 V.S.A. chapter 151. [Repealed.]~~

18 § 628. REPEALED.

19 § 629. REPEALED.

§ 630. ~~DISPOSITION OF REVENUES~~

All fees, fines, unredeemed ticket funds, and other revenues collected under sections 601 through 627 of this title, except section 620, shall be credited to the Vermont Racing Special Fund, established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Racing Commission to offset the cost of providing its services.

§§ 631-640. ~~[Reserved.] [Repealed.]~~

§ 641. REPEALED.

§ 642. REPEALED.

Sec. 6. 13 V.S.A. § 2151 is amended to read:

§ 2151. BOOKMAKING; POOL SELLING; OFF-TRACK WAGERS

(a) ~~Except as provided under 31 V.S.A. chapter 13,~~ a person shall not

(1) engage in bookmaking or pool selling, except deer pools or other pools in which all of the monies paid by the participants, as an entry fee or otherwise, are paid out to either the winning participants based on the result of the pool or to a nonprofit organization or event as described in ~~32 V.S.A. § 1201(5)~~ 31 V.S.A. § 1201(5) where the funds are to be used as described in that subdivision, or both;

(2) keep or occupy, for any period of time, any place or enclosure of any kind, with any material for recording any wager, or any purported wager, or selling pools, except as provided in subdivision (1) of this subsection, upon the

Commented [BW3]: Here begins amendments to T.13, ch. 51, subch. 3 (crimes re: racing offenses).

The Judiciary and Commerce committees should review the SAC's recommendation to eliminate the Racing Commission and the incorporation of the prohibitions on dog and horse race betting into this T.13 subchapter in order to 1) make a policy decision re: prohibiting horse race betting, which is currently permissible under T.31, ch. 13; and 2) determine whether any provisions of this T.13 subch. need updated.

Commented [BW4]: This is a reference to the T.31 Racing Commission chapter, which would be repealed in this draft.

Commented [BW5]: Corrected cross-reference in accordance with [2017, No. 73](#) (misc. tax), Secs. 12 and 13.

1 result of any contest, lot, chance, unknown or contingent event, whether actual
2 or purported;

3 (3) receive, hold, or forward, or purport or pretend to receive, hold, or
4 forward, in any manner, any money, thing, or consideration of value, or the
5 equivalent or memorandum thereof, wagered, or to be wagered, or offered for
6 the purpose of being wagered, upon such result;

7 (4) record or register, at any time or place, any wager upon such result;

8 (5) permit any place or enclosure that the person owns, leases, or
9 occupies to be used or occupied for any purpose or in any manner prohibited
10 by subdivision (1), (2), (3), or (4) of this section;

11 (6) with the exception of pools as provided in subdivision (1) of this
12 subsection, lay, make, offer, or accept any wager, upon such result or contest
13 of skill, speed, or power of endurance of human or beast, or between humans,
14 beasts, or mechanical apparatus.

15 (b) Notwithstanding any provision to the contrary, a public retail
16 establishment, including a holder of a second-class license issued under Title 7,
17 may sell raffle tickets on the retail premises for a nonprofit organization that
18 has organized the raffle, provided the raffle is conducted in accordance with
19 section 2143 of this title and that no person is compensated for expenses, as
20 outlined in subdivision 2143(e)(1)(B) of this title.

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Sec. 7. 13 V.S.A. § 2153 is amended to read:

§ 2153. RACING ANIMALS; DRUGS OR DEVICES; FALSE NAMES

A person shall not:

(1) ~~influence~~ Hold, conduct, operate, or simulcast a pari-mutuel dog race or pari-mutuel horse race for public exhibition.

(2) Influence, induce, or conspire with any owner, jockey, groom, or other person associated with or interested in any stable, horse, or race in which a horse participates, or any greyhound dog or race in which a greyhound dog participates, to affect the result of such race by stimulating or depressing a horse or dog through the administration of any drug to such horse or dog, or by the use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment;

~~(2)(3)~~ So stimulate or depress a horse or dog;

~~(3)(4)~~ Knowingly enter any horse or dog in any race within a period of 24 hours after any drug has been administered to such horse or dog for the purpose of increasing or retarding the speed of such horse or dog;

~~(4)(5)~~ Transport or use any local anaesthetic of the cocaine group, including ~~but not limited to~~ natural or synthetic drugs of this group, such as allocaine, apothesine, alypine, benzyl, carbinol, butyn, procaine, nupercaine, beta-eucaine, novol, or anestubes or the drugs nikethamide or

Commented [BW6]: Taken verbatim from the first sentence of 31 V.S.A. § 614(b) (Racing Commission law; prohibition on dog race betting), except adds the prohibition on horse race betting. (Under [13 V.S.A. § 2155](#), the penalty for a violation of this section is a fine of \$5,000 or imprisonment of two years, or both. Compare to 31 V.S.A. 614(b)'s fine of \$1,000 or 6 mos. imprisonment, or both.)

Moved here as new (1) since it would be an overall prohibition on dog and horse race *betting*, with all subsequent subdivisions being in regard to restrictions on permissible dog and horse racing (without betting).

In current practice, where is dog and horse racing occurring in which there is no betting? Is it only at agricultural fairs, etc.?

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1 phenylbutazone, or hormones, within the racing enclosure, except upon a bona
2 fide veterinarian's prescription with complete statement of uses and purposes
3 of same on the container. A copy of such prescription shall be filed with the
4 stewards and such substances may be used only with approval of the stewards
5 ~~and under the supervision of the veterinarian representing the racing~~
6 ~~commission.~~

Commented [BW7]: Name a substitute person to approve these prescribed substances?

7 ~~(5)(6) except~~ Except for medicinal purposes, administer any poison,
8 drug, medicine, or other noxious substance to any animal entered or about to
9 be entered in any race or expose any poison, drug, medicine, or noxious
10 substance with intent that it shall be taken, inhaled, swallowed, or otherwise
11 received by any animal with intent to affect its speed, endurance, sense, health,
12 physical condition, or other character or quality, or cause to be taken by or
13 placed upon or in the body of any animal entered or about to be entered in any
14 race any sponge, wood, or foreign substance of any kind, with intent to affect
15 its speed, endurance, sense, health, or physical condition;.

16 ~~(6)(7) willfully~~ Willfully or unjustifiably enter or race any horse in any
17 running or trotting race under any name or designation other than the name or
18 designation assigned to such horse by and registered with the Jockey Club or
19 the United States Trotting Association or willfully instigate, engage in, or in
20 any way further any act by which any horse is entered or raced in any running
21 or trotting race under any name or designation other than the name or

Commented [BW8]: Is this provision still necessary if there is no horse race betting?

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1 designation duly assigned by and registered with the Jockey Club or the United
2 States Trotting Association.

3 Sec. 8. 13 V.S.A. § 2154 is amended to read:

4 § 2154. DRUG DEFINED

5 ~~The~~ As used in section 2153 of this chapter, the term “drug” includes all
6 substances recognized as having the power of stimulating or depressing the
7 central nervous system, respiration, or blood pressure of an animal, such as
8 narcotics, hypnotics, benzedrine or its derivatives, but shall not include
9 recognized vitamins or supplemental feeds ~~approved by the veterinarian~~
10 ~~representing the racing commission.~~

11 * * * Effective Date * * *

12 Sec. 9. EFFECTIVE DATE

13 This act shall take effect on July 1, 2020.

Commented [BW9]: Name a substitute person to approve these vitamins and supplemental feeds?