

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

**DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION**

TO THE HOUSE OF REPRESENTATIVES:

The Committee on Government Operations to which was referred House Bill No. 650 entitled “An act relating to boards and commissions” respectfully reports that it has considered the same and recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Repeal of Committee to Study the Effectiveness of the Juvenile Justice

System in Reducing Crime and Recidivism \* \* \*

Sec. 1. REPEAL

2012 Acts and Resolves No. 159, Sec. 8 (Committee to Study the Effectiveness of the Juvenile Justice System in Reducing Crime and Recidivism; report) is repealed.

\* \* \* Repeal of Commission on Juvenile Justice \* \* \*

Sec. 2. 3 V.S.A. § 3085c is amended to read:

§ 3085c. ~~COMMISSION ON JUVENILE JUSTICE~~

~~(a) The Commission on Juvenile Justice is created as a joint venture between the Department for Children and Families and the Department of Corrections.~~

~~(b) The Commission shall be composed of three members:~~

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1           ~~(1) The Juvenile Justice Director, who shall be the Chair of the~~  
2           ~~Commission.~~

3           ~~(2) The Commissioner for Children and Families.~~

4           ~~(3) The Commissioner of Corrections.~~

5           ~~(e) The Commission on Juvenile Justice shall have the following duties:~~

6           ~~(1) To develop a comprehensive system of juvenile justice for persons~~  
7           ~~under 21 years of age who commit delinquent or criminal acts, including~~  
8           ~~utilization of probation services, a range of community based treatment,~~  
9           ~~training and rehabilitation programs, and secure detention and treatment~~  
10          ~~programs when necessary in the interests of public safety, designed with the~~  
11          ~~objective of preparing those persons to live in their communities as productive~~  
12          ~~and mature adults. The program developed by the Commission shall be~~  
13          ~~consistent with the policy that a successful juvenile justice system should:~~

14                 ~~(A) hold juveniles accountable for their unlawful conduct;~~

15                 ~~(B) provide secure and therapeutic confinement to juveniles who~~  
16                 ~~pose a danger to the community;~~

17                 ~~(C) adequately protect both juveniles and the community;~~

18                 ~~(D) provide community based programs and services that are located~~  
19                 ~~as closely as possible to the juvenile's community;~~

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- 1           ~~(E) maintain juveniles in their homes, with adequate support,~~  
2 ~~whenever possible and appropriate;~~
- 3           ~~(F) use individualized case management plans as the basis for all~~  
4 ~~treatment planning and implementation;~~
- 5           ~~(G) include the juvenile’s family in the case management plan;~~
- 6           ~~(H) monitor the case management plan to encourage rehabilitation~~  
7 ~~and deter reoffending, providing supervision, service coordination, and support~~  
8 ~~where appropriate;~~
- 9           ~~(I) provide a comprehensive aftercare component, including follow-~~  
10 ~~up and nonresidential post-release services when juveniles return to their~~  
11 ~~families or communities;~~
- 12           ~~(J) promote the development and implementation of community-~~  
13 ~~based programs designed to prevent unlawful conduct and to minimize the~~  
14 ~~depth and duration of the juvenile’s involvement in the criminal justice system;~~
- 15           ~~(K) be coordinated with consistency between all departments~~  
16 ~~throughout the State, both with respect to general policy and to particular~~  
17 ~~eases.~~
- 18           ~~(2) To advise State agencies on matters of State policy relating to~~  
19 ~~juvenile justice.~~

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1           ~~(3) To evaluate the adequacy of existing services to individuals involved~~  
2 ~~in the juvenile justice system and their families, and to conduct studies to~~  
3 ~~identify gaps in these services. These studies may include access to juvenile~~  
4 ~~justice related services and support for families of individuals involved in the~~  
5 ~~juvenile justice system.~~

6           ~~(4) To identify strategies and recommend resources to expand successful~~  
7 ~~existing services.~~

8           ~~(5) To review or participate in the development of laws, rules, and other~~  
9 ~~governmental initiatives that may affect individuals involved in the juvenile~~  
10 ~~justice system and their families.~~

11           ~~(6) To provide advice regarding revisions, coordination of services,~~  
12 ~~accountability, and appropriations.~~

13           ~~(7) To cooperate with appropriate federal agencies in maximizing the~~  
14 ~~receipt of funds in support of programs relating to juvenile justice, particularly~~  
15 ~~those involving persons charged as youthful offenders under 33 V.S.A. § 5281.~~

16           ~~(d)(1) There are established within the Commission, and reporting to the~~  
17 ~~Juvenile Justice Director, the following positions:~~

18           ~~(A) A Prevention Specialist, responsible for programs intended to~~  
19 ~~reduce delinquency and crime among juvenile offenders, including mentoring~~  
20 ~~programs, early assessments, substance abuse screening, child care services,~~

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1 ~~afterschool programs, and screening for problems which contribute to~~  
2 ~~delinquency and juvenile crime.~~

3 ~~(B) An Alternative Sanctions Specialist, responsible for programs~~  
4 ~~providing alternatives to incarceration, including court diversion, probation,~~  
5 ~~reparative boards, and community justice programs.~~

6 ~~(2) The Specialists designated under subdivision (1) of this subsection~~  
7 ~~shall:~~

8 ~~(A) work with communities throughout the State, and analyze data~~  
9 ~~and results, to evaluate the efficiency and success of juvenile justice programs;~~

10 ~~(B) monitor the statewide and cross-departmental consistency and~~  
11 ~~coordination of juvenile justice programs and the development of the~~  
12 ~~comprehensive system of juvenile justice required by this section; and~~

13 ~~(C) work in district offices with probation officers, case workers, and~~  
14 ~~other personnel of the Departments for Children and Families and of~~  
15 ~~Corrections to ensure that State juvenile justice programs and case plans are~~  
16 ~~administered in a manner consistent with the policies of this section and with~~  
17 ~~the statutes and rules pertaining to each specialty area.~~

18 ~~(e) The Agency of Human Services shall provide the Commission with~~  
19 ~~administrative support.~~



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1           \* \* \* Repeal of Educational Opportunities Working Group \* \* \*

2           Sec. 4. REPEAL OF EDUCATIONAL OPPORTUNITIES WORKING  
3           GROUP

4           2012 Acts and Resolves No. 156, Sec. 31 (Educational Opportunities  
5           Working Group) is repealed.

6                           \* \* \* Repeal of State Board of Education \* \* \*

7           Sec. 5. REPEAL OF STATE BOARD OF EDUCATION

8           The following are repealed on July 1, 2021:

9                   (1) 16 V.S.A. § 161 (State Board of Education; appointment of  
10           members; term; vacancy);

11                   (2) 16 V.S.A. § 162 (State Board of Education; removal of Board  
12           members);

13                   (3) 16 V.S.A. § 163 (State Board of Education; staff; meetings);

14                   (4) 16 V.S.A. § 164 (State Board of Education; general powers and  
15           duties); and

16                   (5) 32 V.S.A. § 1010(a)(4) (per diem compensation for members of the  
17           State Board of Education).



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1 the school shall notify the Secretary of Education within five days after its  
2 knowledge of the event unless the failure is de minimis:

3 \* \* \*

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

9 (ii) If the State Board, after having provided the school a  
10 reasonable opportunity to respond, does not find that the school has  
11 satisfactorily responded or demonstrated its financial capacity, the State Board  
12 may establish a review team, that, with the consent of the school, includes a  
13 ~~member representative of the Council of Independent Schools~~ independent  
14 schools appointed by the State Board, to:

15 (I) conduct a school visit to assess the school's financial  
16 capacity;

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

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

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1

\* \* \*

2

~~(d) Council of Independent Schools. A Council of Independent Schools is created consisting of 11 members, no fewer than three of whom shall be representatives of recognized independent schools. The Secretary shall appoint nine members from within the independent schools' community. The Secretary shall appoint two members from the public at large. Each member shall serve for two years and may be reappointed for up to an additional two terms. The Council shall adopt rules for its own operation. A chair shall be elected by and from among the members. The duties of the Council shall include advising the Secretary on policies and procedures with respect to independent schools. No hearing shall be initiated under this section before the State Board or by the Secretary until the recommendations of the Council have been sought and received. The recommendations of the Council, including any minority reports, shall be admissible at the hearing. [Repealed.]~~

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

17

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

18

§ 2945. ~~STATE ADVISORY COUNCIL~~ PANEL ON SPECIAL

19

EDUCATION

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

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

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

8                   ~~(A) teachers;~~

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

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

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

15                   ~~(E) a representative from the State juvenile and adult corrections~~  
16           ~~agency;~~

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

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

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

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

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

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

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

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

11 ~~The Speaker shall appoint the House member and the Committee on~~  
12 ~~Committees shall appoint the Senate member.~~

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

17           ~~(c) The members of the Council who are employees of the State shall~~  
18 ~~receive no additional compensation for their services, but actual and necessary~~  
19 ~~expenses shall be allowed State employees, and shall be charged to their~~  
20 ~~departments or institutions. The members of the Council who are not~~

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1 ~~employees of the State shall receive a per diem compensation as provided~~  
2 ~~under 32 V.S.A. § 1010 for each day of official business and reimbursement~~  
3 ~~for actual and necessary expenses at the rate allowed State employees.~~

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

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

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

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

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

14 (a) The State Advisory Panel on Special Education (Panel) is created to  
15 provide guidance with respect to special education and related services for  
16 children with disabilities in the State. Members of the Panel shall be appointed  
17 by the Governor, with the advice of the Secretary of Education. The Panel  
18 shall perform the duties, and members of the Panel shall be appointed, in  
19 accordance with federal law. In addition to members appointed to the Panel to  
20 satisfy the requirements under federal law, the members of the Panel shall

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1 include a representative of each body designated by the State under federal law  
2 as the Parent Training and Information Center and the Protection and  
3 Advocacy System. The total number of members on the Panel shall not exceed  
4 37 members.

5 (b) The Panel shall elect an executive committee from among its members.  
6 The executive committee shall be composed of seven members of the Panel,  
7 one of whom shall be the chair of the Panel. A majority of the members of the  
8 executive committee shall be individuals with disabilities or parents of children  
9 with disabilities (ages birth through 26 years of age). The executive committee  
10 shall call meetings of the Panel and shall direct the work of the Panel.

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

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

16 Sec. 8. TRANSITION

17 (a) On or before August 1, 2020, members shall be appointed to the State  
18 Advisory Panel on Special Education under 16 V.S.A. § 2945 to ensure that  
19 the membership of the Panel complies with federal law, including the  
20 appointment of members who fulfill the requirement that a majority of the

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1 members be individuals with disabilities or parents of children with  
2 disabilities.

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

7 \* \* \* Merger of the Executive Committee to Advise the Director of the  
8 Vermont Blueprint for Health and the Blueprint for Health Expansion Design  
9 and Evaluation Committee \* \* \*

10 Sec. 9. 18 V.S.A. § 702 is amended to read:

11 § 702. BLUEPRINT FOR HEALTH; STRATEGIC PLAN

12 (a)(1) The Department of Vermont Health Access shall be responsible for  
13 the Blueprint for Health.

14 (2) The Director of the Blueprint, in collaboration with the  
15 Commissioners of Health, of Mental Health, of Vermont Health Access, and of  
16 Disabilities, Aging, and Independent Living, shall oversee the development  
17 and implementation of the Blueprint for Health, including a strategic plan  
18 describing the initiatives and implementation timelines and strategies.

19 Whenever private health insurers are concerned, the Director shall collaborate

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1 with the Commissioner of Financial Regulation and the Chair of the Green  
2 Mountain Care Board.

3 (b)(1)(A) The Commissioner of Vermont Health Access shall establish an  
4 executive committee to advise the Director of the Blueprint on creating and  
5 implementing a strategic plan for the development of the statewide system of  
6 chronic care and prevention as described under this section. The Executive  
7 Committee shall include;

8 (i) the Commissioner of Health;

9 (ii) the Commissioner of Mental Health;

10 ~~(iii)~~(iii) a representative from the Green Mountain Care Board;

11 ~~(iii)~~(iv) a representative from the Department of Vermont Health

12 Access;

13 ~~(iv)~~(v) an individual appointed jointly by the President Pro

14 Tempore of the Senate and the Speaker of the House of Representatives;

15 ~~(v)~~(vi) a representative from the Vermont Medical Society;

16 ~~(vi)~~(vii) a representative from the Vermont Nurse Practitioners

17 Association;

18 ~~(vii)~~(viii) a representative from a statewide quality assurance

19 organization;

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1                   ~~(viii)~~(ix) a representative from the Vermont Association of  
2           Hospitals and Health Systems;  
3                   ~~(ix)~~(x) two representatives of private health insurers;  
4                   ~~(x)~~(xi) a consumer;  
5                   ~~(xi)~~(xii) a representative of the complementary and alternative  
6           medicine professions;  
7                   ~~(xii)~~(xiii) a primary care professional serving low-income or  
8           uninsured Vermonters;  
9                   ~~(xiii)~~(xiv) a licensed mental health professional with clinical  
10           experience in Vermont;  
11                   ~~(xiv)~~(xv) a representative of the Vermont Council of  
12           Developmental and Mental Health Services;  
13                   ~~(xv)~~(xvi) a representative of the Vermont Assembly of Home  
14           Health Agencies who has clinical experience;  
15                   ~~(xvi)~~(xvii) a representative from a self-insured employer who  
16           offers a health benefit plan to its employees; and  
17                   ~~(xvii)~~(xviii) a representative of the State employees' health plan,  
18           who shall be designated by the Commissioner of Human Resources and who  
19           may be an employee of the third-party administrator contracting to provide  
20           services to the State employees' health plan.

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1 (B) The Executive Committee shall engage a broad range of health  
2 care professionals who provide health services ~~as defined under 8 V.S.A. §~~  
3 ~~4080f~~, health insurers, professional organizations, community and nonprofit  
4 groups, consumers, businesses, school districts, and State and local  
5 government in developing ~~and implementing a five year strategic plan~~  
6 recommendations over time for modifications to statewide implementation of  
7 the Blueprint.

8 (2)(A) ~~The Director shall convene an expansion design and evaluation~~  
9 ~~committee, which shall meet no fewer than six times annually, to recommend a~~  
10 ~~design plan, including modifications over time, for the statewide~~  
11 ~~implementation of the Blueprint for Health and to recommend appropriate~~  
12 ~~methods to evaluate the Blueprint. This Committee shall be composed of the~~  
13 ~~members of the Executive Committee, representatives of participating health~~  
14 ~~insurers, representatives of participating medical homes and community health~~  
15 ~~teams, the Deputy Commissioner of Health Care Reform, a representative of~~  
16 ~~the Bi-State Primary Care Association, a representative of the University of~~  
17 ~~Vermont College of Medicine's Office of Primary Care, a representative of the~~  
18 ~~Vermont Information Technology Leaders, and consumer representatives. The~~  
19 ~~Committee shall comply with open meeting and public record requirements in~~  
20 ~~1 V.S.A. chapter 5. [Repealed.]~~



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1 Quality Assurance’s Physician Practice Connections-Patient Centered Medical  
2 Home (NCQA PPC-PCMH) score to the extent practicable and shall be in  
3 addition to their normal fee-for-service or other payments.

4 (2) Consistent with ~~the recommendation of the Blueprint expansion~~  
5 ~~design and evaluation committee~~ recommendations of the Blueprint Executive  
6 Committee, the Director of the Blueprint may recommend to the  
7 Commissioner of Vermont Health Access changes to the payment amounts or  
8 to the payment reform methodologies described in subdivision (1) of this  
9 subsection, including by providing for enhanced payment to health care  
10 professional practices ~~which~~ that operate as a medical home, including primary  
11 care naturopathic physicians’ practices; payment toward the shared costs for  
12 community health teams; or other payment methodologies required by the  
13 Centers for Medicare and Medicaid Services (CMS) for participation by  
14 Medicaid or Medicare.

15 \* \* \*

16 \* \* \* Repeal of Board of Mental Health \* \* \*

17 Sec. 11. 18 V.S.A. § 7101 is amended to read:

18 § 7101. DEFINITIONS

19 As used in this part of this title, the following words, unless the context  
20 otherwise requires, shall have the following meanings:



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1     § 7304. ~~PERSONS NOT HOSPITALIZED~~

2           The Board shall have general jurisdiction of persons with an intellectual  
3     ~~disability or mental illness who have been discharged from a hospital by~~  
4     ~~authority of the Board. It shall also have jurisdiction of persons with a mental~~  
5     ~~illness or intellectual disability of the State not hospitalized, so far as concerns~~  
6     ~~their physical and mental condition and their care, management, and medical~~  
7     ~~treatment and shall make such orders therein as each case duly brought to its~~  
8     ~~attention requires. [Repealed.]~~

9     § 7305. ~~POWERS OF BOARD~~

10           The Board may administer oaths, summon witnesses before it in a case  
11     under investigation, and discharge by its order, in writing, any person confined  
12     as a patient in a hospital whom it finds on investigation to be wrongfully  
13     hospitalized or in a condition to warrant discharge. The Board shall discharge  
14     patients, not criminals, who have eloped from a hospital and have not been  
15     apprehended at the expiration of six months from the time of their elopement.  
16     The Board shall not order the discharge of a patient without giving the  
17     superintendent of the hospital an opportunity to be heard. [Repealed.]

18     §§ 7306-7308. REPEALED.

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1 § 7309. REFERRALS FROM GOVERNOR

2 The Governor may refer the case of a patient in a hospital to the Board for  
3 its investigation. The Board shall investigate the case and by its order grant  
4 such relief as each case requires. If the Board is without power to grant the  
5 necessary relief it shall cause proceedings to be commenced in a court of  
6 competent jurisdiction at the expense of the State, in order to obtain the  
7 necessary relief and promote the ends of justice and humanity. [Repealed.]

8 § 7310. PETITION FOR INQUIRY

9 The attorney or guardian of a patient or any other interested party may  
10 apply to the Board to inquire into the treatment and hospitalization of a patient,  
11 and the Board shall take appropriate action upon the application. [Repealed.]

12 § 7311. INVESTIGATION

13 If, in the judgment of the Board, an investigation is necessary, it shall  
14 appoint a time and place for hearing and give the patient's attorney, guardian,  
15 spouse, parent, adult child, or interested party, if any, in that order, and the  
16 head of the hospital reasonable notice thereof. At the time appointed, it shall  
17 conduct a hearing and make any lawful order the case requires. [Repealed.]

18 § 7312. PENALTY; FAILURE TO OBEY SUMMONS

19 A person legally summoned as a witness before the Board on behalf of the  
20 State, or summoned by other parties with a tender of his or her fees, which

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1 ~~shall be the same as those allowed witnesses in a Criminal Division of the~~  
2 ~~Superior Court, who willfully and wrongfully refuses to attend or testify shall~~  
3 ~~be imprisoned not more than six months or fined not more than \$100.00 nor~~  
4 ~~less than \$10.00, or both. [Repealed.]~~

5 § 7313. ~~BOARD SHALL VISIT INSTITUTION~~

6 ~~The Board shall ascertain by examination and inquiry whether the laws~~  
7 ~~relating to individuals in custody or control are properly observed and may use~~  
8 ~~all necessary means to collect all desired information. It shall carefully inspect~~  
9 ~~every part of the hospital or training school visited with reference to its~~  
10 ~~cleanliness and sanitary condition, determine the number of patients or~~  
11 ~~students in seclusion or restraint, the diet of the patients or students, and any~~  
12 ~~other matters which it considers material. It shall offer to every patient or~~  
13 ~~student an opportunity for an interview with its visiting members or agents,~~  
14 ~~and shall investigate those cases which in its judgment require special~~  
15 ~~investigation, and particularly shall ascertain whether any individuals are~~  
16 ~~retained at any hospital or training school who ought to be discharged.~~

17 [Repealed.]

18 § 7314. ~~RECIPROCAL AGREEMENTS~~

19 ~~The Board may enter into reciprocal agreements with corresponding state~~  
20 ~~agencies of other states regarding the interstate transportation or transfer of~~

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1 ~~persons with a psychiatric or intellectual disability and arrange with the proper~~  
2 ~~officials in this State for the acceptance, transfer, and support of residents of~~  
3 ~~this State who are temporarily detained or receiving care in public institutions~~  
4 ~~of other states in accordance with the terms of such agreements. [Repealed.]~~

5 § 7315. ~~DEFINITION~~

6 ~~As used in this chapter, the term “hospital” shall include a secure residential~~  
7 ~~recovery facility as defined in subsection 7620(e) of this title. [Repealed.]~~

8 Sec. 13. 18 V.S.A. § 8404 is amended to read:

9 § 8404. ~~CONDITIONAL DISCHARGE~~

10 ~~The Board of Mental Health, in its discretion, may grant a conditional~~  
11 ~~discharge to a patient admitted under this chapter after the expiration of one~~  
12 ~~month from the date of admission and may revoke any conditional discharge~~  
13 ~~so granted. A revocation of a conditional discharge by the Board of Mental~~  
14 ~~Health at any time prior to the expiration of the original term of hospitalization~~  
15 ~~shall be sufficient warrant for the return of the patient to the hospital from~~  
16 ~~which he or she was discharged, there to remain until a subsequent conditional~~  
17 ~~discharge or the expiration of the full term from the date of the original~~  
18 ~~admission. [Repealed.]~~

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1 Sec. 14. 18 V.S.A. chapter 174 is amended to read:

2 CHAPTER 174. MENTAL HEALTH SYSTEM OF CARE

3 \* \* \*

4 § 7260. DESIGNATED AGENCY OVERSIGHT

5 The Departments of Mental Health and of Disabilities, Aging, and  
6 Independent Living shall adhere to the Agency of Human Services’  
7 Administrative Rules on Agency Designation and ensure that the State  
8 program standing committees described in that rule regularly meet and fulfill  
9 their duties.

10 § 7261. DESIGNATED HOSPITAL OVERSIGHT

11 The Department of Mental Health shall establish designation standards for  
12 designated hospital oversight.

13 Sec. 15. 18 V.S.A. chapter 204A is amended to read:

14 CHAPTER 204A. DEVELOPMENTAL DISABILITIES ACT

15 \* \* \*

16 § 8734. DESIGNATED AGENCY OVERSIGHT

17 The Department shall provide oversight of designated agencies as described  
18 in section 7260 of this title.

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 Sec. 16. 32 V.S.A. § 1010 is amended to read:

2 § 1010. MEMBERS OF CERTAIN BOARDS

3 (a) Except for those members serving ex officio or otherwise regularly  
4 employed by the State, the members of the following boards shall be entitled to  
5 receive \$50.00 in per diem compensation:

6 \* \* \*

7 (10) ~~State Board of Mental Health [Repealed.]~~

8 \* \* \*

9 \* \* \* Repeal of Offender Work Programs Board \* \* \*

10 Sec. 17. 28 V.S.A. § 761 is amended to read:

11 § 761. OFFENDER WORK PROGRAMS ~~BOARD~~ EXPANSION

12 ~~(a) Offender Work Programs Board established. An Offender Work~~  
13 ~~Programs Board is established for the purpose of advising the Commissioner~~  
14 ~~on the use of offender labor for the public good. The Board shall base its~~  
15 ~~considerations and recommendations to the Commissioner on a review of plans~~  
16 ~~for offender work programs pursuant to subsection (b) of this section, and on~~  
17 ~~other information as it deems appropriate.~~

18 ~~(1) The Board shall consist of nine members, each appointed by the~~  
19 ~~Governor for a three year term or until a successor is appointed, as follows:~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1           ~~(A) four representatives of customers of the products and services of~~  
2 ~~offender work programs, two of whom shall represent public sector customers,~~  
3 ~~and two of whom shall represent private nonprofit organization customers;~~

4           ~~(B) three representatives of private business organizations;~~

5           ~~(C) one representative of labor or labor organizations; and~~

6           ~~(D) one at large member.~~

7           ~~(2) The Governor shall appoint a Chair and Vice Chair, each of whom~~  
8 ~~shall serve for one year or until a successor is appointed.~~

9           ~~(3) [Repealed.]~~

10          ~~(4) The Board may, with the Commissioner's approval of funds, hire by~~  
11 ~~contract such persons the Board deems necessary to provide it with~~  
12 ~~administrative and staff support.~~

13          ~~(5) All Board members shall be reimbursed from the special fund~~  
14 ~~established by section 752 of this title for per diem and expenses incurred in~~  
15 ~~the performance of their duties pursuant to 32 V.S.A. § 1010.~~

16          ~~(b) Review of the annual report and two year plan. In reviewing the annual~~  
17 ~~report and two year plan submitted by the Director of Offender Work~~  
18 ~~Programs as required by subsection 751b(f) of this title, and forming its~~  
19 ~~recommendations concerning them to the Commissioner, the Board shall:~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1           ~~(1) Assure itself that the plan is informed by thorough and accurate~~  
2           ~~analysis of private business activity in the specific market segments concerned,~~  
3           ~~for which purpose the Board may, with the Commissioner's approval of funds,~~  
4           ~~hire by contract such persons the Board deems necessary to assist it in~~  
5           ~~analyzing the plan. The Board shall also conduct public hearings to hear from~~  
6           ~~members of the public or from potentially affected private businesses and labor~~  
7           ~~groups.~~

8           ~~(2) [Repealed.]~~

9           ~~(3) Make publicly known and available its recommendations for~~  
10          ~~offender work programs operations.~~

11          ~~(e) Offender work programs expansion.~~ The Vermont Correctional  
12          Industries component of the offender work programs shall not expand into an  
13          existing market until the Commissioner has ~~done all of the following:~~

14               ~~(1) Evaluated~~ evaluated the impact of expansion on private sector  
15               business.

16               ~~(2) Notified the Offender Work Programs Board of the proposal.~~

17               ~~(3) Obtained the Board's written suggestions, comments and~~  
18               ~~recommendations concerning the proposal. Five members of the Board at a~~  
19               ~~scheduled and warned Board meeting may vote to disapprove any proposed~~  
20               ~~expansion not involving the provisions of the federally authorized Prison~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 ~~Industries Enhancement Program, and such vote shall be binding on the~~  
2 ~~Department.~~

3 Sec. 18. 28 V.S.A. § 751b is amended to read:

4 § 751b. GENERAL PROVISIONS GOVERNING OFFENDER WORK

5 \* \* \*

6 (b) ~~No~~ An offender shall not be required to engage in unreasonable labor,  
7 ~~and no offender shall be required~~ or to perform any work for which he or she is  
8 declared unfit by a physician employed or retained by the Department.

9 \* \* \*

10 (d) The labor, work product, or time of an offender may be sold,  
11 contracted, or hired out by the State only:

12 \* \* \*

13 (2) To any state or political subdivision of a state, or to any nonprofit  
14 organization that is exempt from federal or state income taxation, subject to  
15 federal law, to the laws of the recipient state, and to the rules of the  
16 ~~Department. Five members of the Offender Work Programs Board at a~~  
17 ~~scheduled and warned Board meeting,~~ provided that the Commissioner may  
18 ~~vote to~~ disapprove any future sales of offender produced goods or services to  
19 any nonprofit organization ~~and such vote shall be binding on the Department.~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 (3) To any private person or enterprise not involving the provision of the  
2 federally authorized Prison Industries Enhancement Program, provided that the  
3 ~~Offender Work Programs Board Commissioner~~ **or designee** shall first  
4 determine that the offender work product in question is not otherwise produced  
5 or available within the State. ~~Five members of the such Board at a scheduled~~  
6 ~~and warned Board meeting may vote to disapprove any future sales of offender~~  
7 ~~produced goods or services to any person or entity not involving the provisions~~  
8 ~~of the federally authorized Prison Industries Enhancement Program and such~~  
9 ~~vote shall be binding on the Department.~~

10 \* \* \*

11 (g) ~~Assembled products shall not be sold to any person, enterprise, or entity~~  
12 ~~unless the Offender Work Programs Board has first reviewed any such~~  
13 ~~proposed sale, and five members of the Board have voted in favor of the~~  
14 ~~proposal at a scheduled and warned meeting of the Board. [Repealed.]~~

15 \* \* \*

16 Sec. 19. 28 V.S.A. § 752 is amended to read:

17 § 752. OFFENDER WORK PROGRAMS SPECIAL FUND

18 (a) An Offender Work Programs Special Fund shall be maintained for the  
19 purpose of carrying out the provisions of section 751b of this title, which Fund  
20 shall include any appropriations made from time to time by the ~~State~~

**Commented [BW1]:** Potentially remove “or designee” here (and not include “or designee” in subdiv. (2)) since current law subdiv. (4) – copied and pasted below – does not use “or designee” following “the Commissioner”.

(4) To charitable organizations where the offender work product is the handicraft of offenders and the Commissioner has approved such sales in advance.

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 ~~Legislature~~ General Assembly and any sums obtained from the sale of goods  
2 and services produced by offenders pursuant to section 751b of this title. The  
3 Special Fund shall be managed pursuant to 32 V.S.A. chapter 7, subchapter 5.

4 (b) Any expenses incurred by offender work programs ~~and the Offender~~  
5 ~~Work Programs Board~~ shall be defrayed by this Fund.

6 \* \* \*

7 Sec. 20. 32 V.S.A. § 1010 is amended to read:

8 § 1010. MEMBERS OF CERTAIN BOARDS

9 (a) Except for those members serving ex officio or otherwise regularly  
10 employed by the State, the members of the following boards shall be entitled to  
11 receive \$50.00 in per diem compensation:

12 \* \* \*

13 (18) ~~Offender Work Programs Board~~ [Repealed.]

14 \* \* \*

15 \* \* \* Revision of Public Utility Commission Reappointment Process \* \* \*

16 Sec. 21. 30 V.S.A. § 3 is amended to read:

17 § 3. PUBLIC UTILITY COMMISSION

18 (a) The Vermont Public Utility Commission shall consist of a chair and two  
19 members. The Chair and each member shall not be required to be admitted to  
20 the practice of law in this State.

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 (b) The Chair shall be nominated, appointed, and confirmed in the manner  
2 of a Superior judge.

3 (c) Members of the Commission other than the Chair shall be appointed in  
4 accordance with this subsection. Whenever a vacancy occurs, public  
5 announcement of the vacancy shall be made. The Governor shall submit at  
6 least five names of potential nominees to the Judicial Nominating Board for  
7 review. The Judicial Nominating Board shall review the candidates in respect  
8 to judicial criteria and standards only and shall recommend to the Governor  
9 those candidates the Board considers qualified. The Governor shall make the  
10 appointment from the list of qualified candidates. The appointment shall be  
11 subject to the advice and consent of the Senate.

12 (d)(1) The term of each member shall be six years.

13 (2) Any appointment to fill a vacancy shall be for the unexpired portion  
14 of the term vacated.

15 (3)(A) A ~~member~~ chair wishing to succeed himself or herself in office  
16 may seek reappointment under the terms of subsection (b) of this section.

17 (B) The Governor may reappoint a member of the Commission other  
18 than the Chair at the expiration of that member's term, subject to the advice  
19 and consent of the Senate.

20 \* \* \*



**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 representatives of the deaf community; one member of the community of  
2 people who are hard of hearing or have a speech limitation; one representative  
3 of a company providing local exchange service within the State; and one  
4 representative of an organization currently providing telecommunications relay  
5 services.

6 (2)(A) The Council shall elect from among its members a chair and vice  
7 chair. Meetings shall be convened at the call of the Chair or a majority of the  
8 members of the Council. The Council shall meet not more than six times a  
9 year.

10 (B) The members of the Council who are not officers or employees  
11 of the State shall receive per diem compensation and expense reimbursement  
12 in amounts authorized by 32 V.S.A. § 1010(b). The costs of the compensation  
13 and reimbursement and any other necessary administrative costs shall be  
14 included within the contract entered into under subsection (c) of this section.

15 (3) The Council shall advise the Department of Public Service and the  
16 contractor for telecommunications relay services on all matters concerning the  
17 implementation and administration of the State's telecommunications relay  
18 service, including the telecommunications equipment grant program  
19 established pursuant to subsection (e) of this section.

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1           (e)(1) The Department shall propose and the Commission shall establish by  
2 rule or order a telecommunications equipment grant program to assist persons  
3 who are deaf, deaf-blind, hard of hearing, have a speech limitation, and  
4 persons with physical disabilities that limit their ability to use standard  
5 telephone equipment to communicate by telephone.

6           (2) Pursuant to this program, a person who is deaf, deaf-blind, hard of  
7 hearing, has a speech limitation, or a person with a physical disability that  
8 limits his or her ability to use standard telephone equipment whose modified  
9 adjusted gross income as defined in 32 V.S.A. § 5829(b)(1) for the preceding  
10 taxable year was less than 200 percent of the official poverty line established  
11 by the U.S. Department of Health and Human Services for a family of six or  
12 the actual number in the family, whichever is greater, published as of  
13 October 1 of the preceding taxable year, may be eligible for a benefit toward  
14 the purchase, upgrade, or repair of equipment used to access the relay service  
15 or otherwise communicate by telephone. The total benefits allocable under  
16 this ~~section~~ subsection shall not exceed \$75,000.00 per year.

17           (3) In adopting rules, the Commission shall consider the following:

18           ~~(1)(A)~~ prior benefits;

19           ~~(2)(B)~~ degree of functional need;

20           ~~(3)(C)~~ income;



**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 ~~member to be an official of an agricultural fair, one to hold office until~~  
2 ~~February 1, 1961, one to hold office until February 1, 1963, and one to hold~~  
3 ~~office until February 1, 1965.~~

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

9 ~~(c) Each member of the Commission shall receive \$15.00 a day and~~  
10 ~~expenses for time actually spent in the performance of the duties of his or her~~  
11 ~~office. No member of the Commission shall have any pecuniary interest in any~~  
12 ~~racing or in the sale of pari mutuel pools, nor shall any official employees,~~  
13 ~~secretary, deputy, officer, representative employee, or counsel participate in~~  
14 ~~any pari mutuel pool. [Repealed.]~~

15 § 603. ASSISTANTS AND EMPLOYEES, DUTIES

16 ~~The Commission may employ such assistants and employees as it may~~  
17 ~~consider necessary to carry out the provisions of this chapter, fix their~~  
18 ~~compensation, and specify the duties to be performed by them. However, the~~  
19 ~~Commission shall not appoint to any position under its jurisdiction any~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 ~~member of the General Assembly, while the General Assembly is in session.~~

2 ~~[Repealed.]~~

3 § 604. ~~SEMIANNUAL MEETINGS~~

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

9 § 605. ~~RULES~~

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

17 § 605a. ~~LICENSES; REGISTRATIONS~~

18 ~~The following applicable licenses and registrations shall be required by the~~  
19 ~~Commission from all persons participating in racing on the grounds of an~~  
20 ~~association.~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

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

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

15 § 606. HEARINGS

16 ~~(a) The Commission may conduct hearings at which all matters pertaining~~  
17 ~~to the administration of the affairs of the Commission and all activities~~  
18 ~~conducted under its jurisdiction may be investigated and determined. By its~~  
19 ~~chair, it may issue subpoenas for the attendance of witnesses at its hearings.~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 ~~Any member of the Commission may administer oaths and affirmations and~~  
2 ~~may examine witnesses.~~

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

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

9 [Repealed.]

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

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

18 [Repealed.]

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

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:

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

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

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

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

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

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

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

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

16 [Repealed.]

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

18           ~~(a) If the Commission is satisfied that all the provisions of this chapter and~~  
19 ~~the rules prescribed have been and will be complied with by the applicant, it~~  
20 ~~may issue a license that shall expire on December 31. The license shall set~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1     ~~forth the name of the licensee, the place where the races or race meets are to be~~  
2     ~~held, and the time and number of days during which racing may be conducted~~  
3     ~~by the licensee. It shall not be transferable or assignable.~~

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

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

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

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

19     § 612. ~~AUDITS~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1        ~~The Commission shall procure an audit report of the activities of each track~~  
2        ~~for every calendar year by the 1st day of February following, prepared by a~~  
3        ~~firm of certified public accountants which is not employed by the licensee.~~

4        [Repealed.]

5        § 613. MINORS

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

9        § 614. PENALTY

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

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

19       [Repealed.]

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 § 615. PARI-MUTUEL POOLS

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

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 ~~percent of each dollar wagered on all other forms of wagering from racing or~~  
2 ~~simulcasting conducted on all days.~~

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

6 ~~(c) From the pari-mutuel pool, the Racing Commission established~~  
7 ~~pursuant to section 602 of this title shall receive the applicable percentage as~~  
8 ~~set forth in this subsection and the licensee shall retain the balance of the pari-~~  
9 ~~mutuel pool commission:~~

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

12 ~~3% on the first \$150,000.00 plus~~

13 ~~4% on the amount \$150,000.00 \$200,000.00 plus~~

14 ~~5% on the amount \$200,000.00 \$250,000.00 plus~~

15 ~~6% on the amount \$250,000.00 \$300,000.00 plus~~

16 ~~7% on the amount \$300,000.00 \$350,000.00 plus~~

17 ~~8% on all over \$350,000.00~~

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

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

- 1           ~~2% on the first \$50,000.00 plus~~
- 2           ~~2.5% on the amount \$50,000.00 \$100,000.00 plus~~
- 3           ~~3% on the amount \$100,000.00 \$150,000.00 plus~~
- 4           ~~4% on the amount \$150,000.00 \$200,000.00 plus~~
- 5           ~~5% on the amount \$200,000.00 \$250,000.00 plus~~
- 6           ~~6% on the amount \$250,000.00 \$300,000.00 plus~~
- 7           ~~7% on the amount \$300,000.00 \$350,000.00 plus~~
- 8           ~~8% on all over \$350,000.00~~
- 9           ~~(3) From harness racing, on the total wagered each race day conducted~~
- 10          ~~on Sunday:~~
- 11          ~~4% on the first \$150,000.00 plus~~
- 12          ~~5% on the amount \$150,000.00 \$200,000.00 plus~~
- 13          ~~6% on the amount \$200,000.00 \$250,000.00 plus~~
- 14          ~~7% on the amount \$250,000.00 \$300,000.00 plus~~
- 15          ~~8% on the amount over \$300,000.00~~
- 16          ~~(4) From flat racing, six and one half percent on the total wagered each~~
- 17          ~~race day conducted on Sunday. From simulcast racing, in addition to the~~
- 18          ~~percentages of the total wagered as provided above, on the total wagered on all~~
- 19          ~~days on all forms of wagering other than win, place, and show wagering: on~~
- 20          ~~and after May 30, 1986.~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1           ~~(5) During any calendar year, the number of programs which the~~  
2           ~~licensee is licensed by the Commission to conduct shall determine the amount~~  
3           ~~of the payments to be made under this section to the Racing Commission~~  
4           ~~established pursuant to section 602 of this title. If, in any year, the licensee~~  
5           ~~fails to conduct the full number of licensed programs, any payment shortage~~  
6           ~~shall be reimbursed immediately as due. The Commission has the duty and~~  
7           ~~authority to make prompt orders, as necessary, to assure reimbursement. The~~  
8           ~~funds received by the Racing Commission shall be managed pursuant to~~  
9           ~~section 630 of this title and shall be available to the Racing Commission to~~  
10           ~~offset the costs of providing its services.~~

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

12           § 616. PAYMENT

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

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 § 617. REPEALED.

2 § 618. ~~UNCLAIMED TICKET MONEY~~

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

11 [Repealed.]

12 § 619. ~~PARI-MUTUEL EMPLOYEES~~

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

17 § 620. ~~POLICE PROTECTION~~

18 ~~Every licensee shall maintain adequate police protection as may be~~  
19 ~~determined by or as may be assigned to the licensee from the Vermont State~~  
20 ~~Police by the Commissioner of Public Safety of the State of Vermont, within~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 ~~the grounds or pari-mutuel enclosure and public highways adjacent to the~~  
2 ~~location of such track. Expenses for such designated police protection shall be~~  
3 ~~borne by the licensee. The Department of Public Safety shall have authority to~~  
4 ~~expend its own funds for the purpose of paying Vermont State Police to~~  
5 ~~maintain the aforesaid adequate police protection, but any funds expended by~~  
6 ~~the Department of Public Safety for the assignment and use of Vermont State~~  
7 ~~Police to maintain adequate police protection shall be reimbursed to the~~  
8 ~~Department by the licensee. Charges collected under this section shall be~~  
9 ~~credited to a special fund and shall be available to the Department of Public~~  
10 ~~Safety to offset the cost of providing the services. [Repealed.]~~

11 § 621. BREEDING OF HORSES

12 ~~The Commission shall encourage and promote the improvement of the~~  
13 ~~breeding of horses in Vermont. It may accept donations of thoroughbred,~~  
14 ~~standard bred, or other well-bred stallions by licensees or others to the State~~  
15 ~~for this purpose. It may cooperate with the University of Vermont in furthering~~  
16 ~~this program. [Repealed.]~~

17 § 621a. REPEALED.

18 § 622. TOWN VOTE; APPROVAL, REVOCATION

19 ~~(a) A license shall not be issued by the Commission under this chapter for~~  
20 ~~holding a race meet in any town until the town, at an annual or special meeting~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 called for the purpose, has, by majority vote of those present and voting,  
2 approved the issuance of licenses under this chapter in the town.

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

9 § 623. RACING DATES

10 ~~The Racing Commission shall be responsible for all racing dates but shall~~  
11 ~~not assign dates for race meets at which pari-mutuel wagering is conducted at~~  
12 ~~the same time as an agricultural fair at which horse racing was conducted~~  
13 ~~during at least three years of the last 10 years immediately before the passage~~  
14 ~~of No. 259 of the Acts of 1959 if the agricultural fair is located within 50 miles~~  
15 ~~of the race track at which pari-mutuel racing is to be conducted, unless the~~  
16 ~~Commission finds there is no conflict between that race track and the~~  
17 ~~agricultural fair. [Repealed.]~~

18 § 624. RACE OFFICIALS

19 ~~There shall be at least one representative and such other assistants or~~  
20 ~~employees of the Commission, as the Commission shall determine, present to~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 ~~supervise each running or harness horse race or meet conducted under this~~  
2 ~~chapter.~~ [Repealed.]

3 § 625. ~~DEVICES REQUIRED~~

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

7 § 626. ~~OPERATING FEES~~

8 ~~A licensee for pari mutuel racing other than an agricultural fair shall pay a~~  
9 ~~fee of \$200.00 for each day of racing or simulcasting; an agricultural fair shall~~  
10 ~~pay \$20.00 for each day of pari mutuel racing. The fee shall be paid by the~~  
11 ~~licensee to the town treasurer of the town where the race or simulcast is~~  
12 ~~conducted within seven days after the date on which the race or simulcast was~~  
13 ~~held.~~ [Repealed.]

14 § 627. ~~DEFICITS; ASSESSMENTS~~

15 ~~(a) Annually as of June 30, if, after comparing all racing Commission~~  
16 ~~expenditures to the total of fees paid to the Commission under sections 615 and~~  
17 ~~618 of this title, there remains a deficit, then the Commission shall, on or~~  
18 ~~before August 14 next, assess all licensees under section 610 of this title,~~  
19 ~~except agricultural fair licensees, an amount sufficient to cover the deficiency.~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 ~~These assessments shall be on an equitable and practicable basis adopted by~~  
2 ~~the Commission by rule.~~

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

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

10 § 628. REPEALED.

11 § 629. REPEALED.

12 § 630. ~~DISPOSITION OF REVENUES~~

13 ~~All fees, fines, unredeemed ticket funds, and other revenues collected under~~  
14 ~~sections 601 through 627 of this title, except section 620, shall be credited to~~  
15 ~~the Vermont Racing Special Fund, established and managed pursuant to~~  
16 ~~32 V.S.A. chapter 7, subchapter 5, and shall be available to the Racing~~  
17 ~~Commission to offset the cost of providing its services.~~

18 §§ 631–640. ~~{Reserved.}~~ [Repealed.]

19 § 641. REPEALED.

20 § 642. REPEALED.

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 Sec. 24. 13 V.S.A. § 2151 is amended to read:

2 § 2151. BOOKMAKING; POOL SELLING; OFF-TRACK WAGERS

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

4 (1) engage in bookmaking or pool selling, except deer pools or other  
5 pools in which all of the monies paid by the participants, as an entry fee or  
6 otherwise, are paid out to either the winning participants based on the result of  
7 the pool or to a nonprofit organization or event as described in ~~32 V.S.A.~~  
8 § 10201(5) 31 V.S.A. § 1201(5) where the funds are to be used as described in  
9 that subdivision, or both;

10 (2) keep or occupy, for any period of time, any place or enclosure of any  
11 kind, with any material for recording any wager, or any purported wager, or  
12 selling pools, except as provided in subdivision (1) of this subsection, upon the  
13 result of any contest, lot, chance, unknown or contingent event, whether actual  
14 or purported;

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

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

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

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

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

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

14 Sec. 25. 13 V.S.A. § 2153 is amended to read:

15 § 2153. ~~RACING ANIMALS; DRUGS OR DEVICES; FALSE NAMES~~

16 PROHIBITION ON DOG AND HORSE RACE BETTING

17 A person shall not: hold, conduct, operate, or simulcast a pari-mutuel dog  
18 race or pari-mutuel horse race for public exhibition

19 ~~(1) influence, induce, or conspire with any owner, jockey, groom, or~~  
20 ~~other person associated with or interested in any stable, horse, or race in which~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 a horse participates to affect the result of such race by stimulating or  
2 depressing a horse through the administration of any drug to such horse, or by  
3 the use of any electrical device or any electrical equipment or by any  
4 mechanical or other device not generally accepted as regulation racing  
5 equipment;

6 ~~(2) so stimulate or depress a horse;~~

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

10 ~~(4) transport or use any local anaesthetic of the cocaine group, including~~  
11 ~~but not limited to natural or synthetic drugs of this group, such as allocaine,~~  
12 ~~apothesine, alypine, benzyl, carbinol, butyn, procaine, nupercaine, beta-~~  
13 ~~eucaine, novol, or anestubes or the drugs nikethamide or phenylbutazone, or~~  
14 ~~hormones, within the racing enclosure, except upon a bona fide veterinarian's~~  
15 ~~prescription with complete statement of uses and purposes of same on the~~  
16 ~~container. A copy of such prescription shall be filed with the stewards and such~~  
17 ~~substances may be used only with approval of the stewards and under the~~  
18 ~~supervision of the veterinarian representing the racing commission;~~

19 ~~(5) except for medicinal purposes, administer any poison, drug,~~  
20 ~~medicine, or other noxious substance to any animal entered or about to be~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 ~~entered in any race or expose any poison, drug, medicine, or noxious substance~~  
2 ~~with intent that it shall be taken, inhaled, swallowed, or otherwise received by~~  
3 ~~any animal with intent to affect its speed, endurance, sense, health, physical~~  
4 ~~condition, or other character or quality, or cause to be taken by or placed upon~~  
5 ~~or in the body of any animal entered or about to be entered in any race any~~  
6 ~~sponge, wood, or foreign substance of any kind, with intent to affect its speed,~~  
7 ~~endurance, sense, health, or physical condition;~~

8 ~~(6) willfully or unjustifiably enter or race any horse in any running or~~  
9 ~~trotting race under any name or designation other than the name or designation~~  
10 ~~assigned to such horse by and registered with the Jockey Club or the United~~  
11 ~~States Trotting Association or willfully instigate, engage in, or in any way~~  
12 ~~further any act by which any horse is entered or raced in any running or~~  
13 ~~trotting race under any name or designation other than the name or designation~~  
14 ~~duly assigned by and registered with the Jockey Club or the United States~~  
15 ~~Trotting Association.~~

16 Sec. 26. 13 V.S.A. § 2154 is amended to read:

17 § 2154. ~~DRUG DEFINED~~

18 ~~The term “drug” includes all substances recognized as having the power of~~  
19 ~~stimulating or depressing the central nervous system, respiration, or blood~~  
20 ~~pressure of an animal, such as narcotics, hypnotics, benzedrine or its~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 ~~derivatives, but shall not include recognized vitamins or supplemental feeds~~  
2 ~~approved by the veterinarian representing the racing commission. [Repealed.]~~

3 Sec. 27. 13 V.S.A. § 2156 is amended to read:

4 § 2156. ~~TOUTING PROHIBITED; PENALTY~~

5 ~~Any person who knowingly and designedly by false representation attempts~~  
6 ~~to, or does persuade, procure, or cause another person to wager on a horse in a~~  
7 ~~race to be run in this State or elsewhere, and upon which money is wagered in~~  
8 ~~this State, and who asks or demands compensation as a reward for information~~  
9 ~~or purported information given in such case is a tout, and is guilty of touting~~  
10 ~~and shall be fined not more than \$500.00 or imprisoned not more than one~~  
11 ~~year, or both. [Repealed.]~~

12 ~~\*\*\* Restorative Justice Working Group \*\*\*~~

13 ~~Sec. 28. RESTORATIVE JUSTICE WORKING GROUP; REPORT~~

14 ~~(a) Creation. There is created the Restorative Justice Working Group to~~  
15 ~~recommend legislation that would conform the law to the current structure of~~  
16 ~~community and restorative justice.~~

17 ~~(b) Membership. The Working Group shall be composed of the following~~  
18 ~~members:~~

19 ~~(1) the Commissioner of Corrections or designee;~~

20 ~~(2) the Commissioner of Children and Families or designee;~~

**Commented [BW2]:** Removed per request of House Corrections

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

- 1 ~~(3) the Court Administrator or designee;~~
- 2 ~~(4) the Chief Administrative Judge or designee;~~
- 3 ~~(5) the Executive Director of the Vermont Association of Court~~
- 4 ~~Diversion Programs or designee;~~
- 5 ~~(6) the Attorney General or designee;~~
- 6 ~~(7) the Defender General or designee;~~
- 7 ~~(8) the Executive Director of the Department of State's Attorneys and~~
- 8 ~~Sheriffs or designee;~~
- 9 ~~(9) a Balanced and Restorative Justice Program service provider~~
- 10 ~~appointed by the Commissioner of Children and Families;~~
- 11 ~~(10) the Executive Director of the Vermont Network Against Domestic~~
- 12 ~~and Sexual Violence or designee;~~
- 13 ~~(11) the President of the Vermont Association of Chiefs of Police or~~
- 14 ~~designee;~~
- 15 ~~(12) the President of the Vermont Sheriffs Association or designee; and~~
- 16 ~~(13) three individuals appointed by the Governor, each of whom shall be~~
- 17 ~~a representative of one of each of the following types of community justice~~
- 18 ~~centers:~~
- 19 ~~(A) a municipal host site;~~
- 20 ~~(B) a nonprofit host site; and~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

- 1           ~~(C) a Department of Corrections and Office of Attorney General~~  
2 ~~joint funded host site.~~
- 3           ~~(e) Powers and duties. The Working Group shall conduct a comprehensive~~  
4 ~~review of the current structure of community and restorative justice for youth~~  
5 ~~and adults in the delinquency and criminal justice contexts and determine what~~  
6 ~~provisions of law, including those provisions set forth in Titles 13, 24, 28, and~~  
7 ~~33 of the Vermont Statutes Annotated, need to be amended in order to bring~~  
8 ~~the law in line with that current structure.~~
- 9           ~~(d) Assistance. The Working Group shall have the administrative,~~  
10 ~~technical, and legal assistance of the Department of Corrections.~~
- 11           ~~(e) Report. On or before January 1, 2021, the Working Group shall report~~  
12 ~~to the Senate and House Committees on Judiciary and the Sunset Advisory~~  
13 ~~Commission with its findings and any recommendations for legislative action.~~  
14 ~~The report may be in the form of recommended legislation.~~
- 15           ~~(f) Meetings.~~
- 16           ~~(1) The Commissioner of Corrections or designee shall call the first~~  
17 ~~meeting of the Working Group to occur on or before September 1, 2020.~~
- 18           ~~(2) The Committee shall select a chair from among its members at the~~  
19 ~~first meeting.~~
- 20           ~~(3) A majority of the membership shall constitute a quorum.~~

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 ~~(4) The Working Group shall cease to exist on July 1, 2021.~~

2 ~~(g) Compensation and reimbursement. Members of the Working Group~~  
3 ~~shall be entitled to per diem compensation and reimbursement of expenses as~~  
4 ~~permitted under 32 V.S.A. § 1010 for not more than five meetings. These~~  
5 ~~payments shall be made from monies appropriated to the Department of~~  
6 ~~Corrections.~~

7 \* \* \* Revision of the Membership of the Vermont Deaf, Hard of Hearing, and  
8 DeafBlind Advisory Council \* \* \*

9 Sec. 28. 33 V.S.A. § 1602 is amended to read:

10 § 1602. VERMONT DEAF, HARD OF HEARING, AND DEAFBLIND  
11 ADVISORY COUNCIL

12 (a) Creation; purpose. There is created a Vermont Deaf, Hard of Hearing,  
13 and DeafBlind Advisory Council to promote diversity, equality, awareness,  
14 and access among individuals who are Deaf, Hard of Hearing, or DeafBlind.

15 (b) Membership. The Advisory Council shall consist of the following  
16 members:

17 (1) ~~sixteen~~ 16 members of the public, appointed by the Governor in a  
18 manner that ensures geographically diverse membership, including:

19 \* \* \*

20 (7) a representative of the Vermont Association of the Deaf;

**Commented [BW3]:** Added per HGO's discussion following Council's 2/5/20 testimony to HGO.

