

# Journal of the House

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**Tuesday, March 18, 2014**

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

## **Devotional Exercises**

Devotional exercises were conducted by the Speaker.

## **Pledge of Allegiance**

**Page Lucy Boyden of Cambridge** led the House in the Pledge of Allegiance.

## **House Bills Introduced**

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

### **H. 876**

By the committee on Education,

An act relating to making miscellaneous amendments and technical corrections to education laws;

### **H. 877**

By the committee on Government Operations,

An act relating to repeal of report requirements that are at least five years old;

### **H. 878**

By the committee on General, Housing and Military Affairs,

An act relating to prevailing wages;

### **H. 879**

By the committee on Judiciary,

An act relating to administrative hearing officers;

### **H. 880**

By the committee on Human Services,

An act relating to universal college savings accounts.

**S. 295**

Senate bill, entitled

An act relating to pretrial services, risk assessments, and criminal justice programs;

To the committee on Judiciary.

**Bill Referred to Committee on Ways and Means****H. 448**

House bill, entitled

An act relating to Act 250 and primary agricultural soils

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

**Bills Referred to Committee on Appropriations**

House bills of the following titles, appearing on the Calendar, carrying appropriations, under the rule, were referred to the committee on Appropriations:

**H. 620**

House bill, entitled

An act relating to payment error rates in 3SquaresVT

**H. 762**

House bill, entitled

An act relating to the Adverse Childhood Experience Questionnaire

**H. 791**

House bill, entitled

An act relating to the Housing First Study Committee

**Committee Relieved of Consideration  
and Bill Committed to Other Committee****H. 790**

**Rep. O'Brien of Richmond** moved that the committee on Appropriations be relieved of House bill, entitled

An act relating to Reach Up eligibility

And that the bill be committed to the committee on Human Services, which was agreed to.

### **Third Reading; Bills Passed**

House bills of the following titles were severally taken up, read the third time and passed:

#### **H. 413**

House bill, entitled

An act relating to the Uniform Collateral Consequences of Conviction Act;

#### **H. 681**

House bill, entitled

An act relating to the professional regulation for veterans, military service members, and military spouses and to credit for military service in retirement;

#### **H. 690**

House bill, entitled

An act relating to the definition of serious functional impairment;

#### **H. 852**

House bill, entitled

An act relating to improving workforce education and training;

### **Bill Amended; Third Reading Ordered**

#### **H. 645**

**Rep. Kitzmiller of Montpelier**, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to workers' compensation

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 632 is amended to read:

§ 632. COMPENSATION TO DEPENDENTS; ~~DEATH BENEFITS~~  
BURIAL AND FUNERAL EXPENSES

If death results from the injury, the employer shall pay to the persons entitled to compensation or, if there is none, then to the personal representative of the deceased employee, the actual burial and funeral expenses ~~in the amount of \$5,500.00~~ not to exceed \$10,000.00 and the actual expenses for out-of-state

transportation of the decedent to the place of burial not to exceed ~~\$1,000.00~~ \$5,000.00. The employer shall also pay to or for the benefit of the following persons, for the periods prescribed in section 635 of this title, a weekly compensation equal to the following percentages of the deceased employee's average weekly wages. The weekly compensation payment herein allowed shall not exceed the maximum weekly compensation or be lower than the minimum weekly compensation:

\* \* \*

Sec. 2. 21 V.S.A. § 639 is amended to read:

§ 639. DEATH, PAYMENT TO DEPENDENTS

In cases of the death of a person from any cause other than the accident during the period of payments for disability or for the permanent injury, the remaining payments for disability then due or for the permanent injury shall be made to the person's dependents according to the provisions of sections 635 and 636 of this title, or if there are none, the remaining amount due, but ~~not exceeding \$5,500.00 for burial and funeral expenses~~ no more than the actual burial and funeral expenses not to exceed \$10,000.00 and the actual expenses for out-of-state transportation of the decedent to the place of burial not to exceed ~~\$1,000.00~~ \$5,000.00, shall be paid in a lump sum to the proper person.

Sec. 3. 21 V.S.A. § 640c is added to read:

§ 640c. OPIOID AND OPIATE USAGE DETERRENCE

(a) In support of the State's fundamental interest in ensuring the well-being of employees and employers, it is the intent of the General Assembly to protect employees from the dangers of prescription abuse while maintaining a balance between the employee's health and the employee's expedient return to work.

(b) As it pertains to workers' compensation, the Commissioner, in consultation with the Department of Health, the State Pharmacologist, the Vermont Board of Medical Practice, and the Vermont Medical Society, shall adopt rules, consistent with the best practices, governing the prescription of opioids and opiates, including appropriate diagnoses that require opioid and opiate treatment, opioid and opiate dosage amounts, patient screening, and drug screening for patients prescribed opioids and opiates for chronic pain. In adopting rules, the Commissioner shall consider guidelines and standards published by the American College of Occupational and Environmental Medicine and other medical authorities with expertise in the treatment of chronic pain. The rules shall be aligned with the standards and guidelines provided under 18 V.S.A. § 4289.

Sec. 4. 21 V.S.A. § 641 is amended to read:

§ 641. VOCATIONAL REHABILITATION

\* \* \*

(e)(1) In support of the State's fundamental interest in ensuring the well-being of employees and employers, it is the intent of the General Assembly that, following a workplace accident, an employee returns to work as soon as possible but remains cognizant of the limitations imposed by the employee's medical condition.

(2) The Commissioner shall adopt rules promoting development and implementation of cost-effective, early return-to-work programs.

Sec. 5. 21 V.S.A. § 643a is amended to read:

§ 643a. DISCONTINUANCE OF BENEFITS

Unless an injured worker has successfully returned to work, an employer shall notify both the Commissioner and the employee prior to terminating benefits under either section 642 or 646 of this title. The notice of intention to discontinue payments shall be filed on forms prescribed by the Commissioner and shall include the date of the proposed discontinuance, the reasons for it, and, if the employee has been out of work for 90 days, a verification that the employer offered vocational rehabilitation screening and services as required under this chapter. All relevant evidence, including evidence that does not support discontinuance in the possession of the employer ~~not already filed, shall be filed with the notice~~ shall be provided to the injured worker. With the notice of discontinuance, the employer shall file only evidence relevant to the discontinuance, including evidence that does not support the discontinuance, with the Commissioner. The liability for the payments shall continue for seven days after the notice is received by the Commissioner and the employee. If the claimant disputes the discontinuance, the claimant may file with the Commissioner an objection to the discontinuance and seek an extension of the seven-day limit. The Commissioner may grant an extension up to seven days. The request for an extension shall be specific as to the reason for the extension and must be received by the Commissioner prior to the end of the seven-day limit. A copy of the request for an extension shall be provided to the employer at the time the request is made to the Commissioner. Those payments shall be made without prejudice to the employer and may be deducted from any amounts due pursuant to section 648 of this title if the Commissioner determines that the discontinuance is warranted or if otherwise ordered by the Commissioner. Every notice shall be reviewed by the Commissioner to determine the sufficiency of the basis for the proposed discontinuance. If, after

review of all the evidence in the file, the Commissioner finds that a preponderance of all the evidence in the file does not reasonably support the proposed discontinuance, the Commissioner shall order that payments continue until a hearing is held and a decision is rendered. Prior to a formal hearing, an injured worker may request reinstatement of benefits by providing additional new evidence to the Department that establishes that a preponderance of all evidence now supports the claim. If the Commissioner's decision, after a hearing, is that the employee was not entitled to any or all benefits paid between the discontinuance and the final decision, upon request of the employer, the Commissioner may order that the employee repay all benefits to which the employee was not entitled. The employer may enforce a repayment order in any court of law having jurisdiction.

Sec. 6. 21 V.S.A. § 691a is added to read:

§ 691a. POSTING OF SAFETY RECORDS

(a) In support of the State's fundamental interest in ensuring the well-being of employees and employers, it is the intent of the General Assembly to improve the safety experience in the workplace.

(b) An employer subject to the provisions of this chapter shall post a notice in the employer's place of business to advise employees of where they may review the employer's record of workplace safety, including workplace injury and illness data, in accordance with rules adopted by the Commissioner. The employer's record of workplace safety, including workplace injury and illness data, shall be available for review by employees at the employer's place of business and the Commissioner, but shall not otherwise be public information. The posting shall be in a format approved by the Commissioner. The posting may be in a format provided by the Commissioner.

Sec. 7. 21 V.S.A. § 696 is amended to read:

§ 696. CANCELLATION OF INSURANCE CONTRACTS

A policy or contract shall not be cancelled within the time ~~limited~~ specified in the policy or contract for its expiration, until at least 45 days after a notice of intention to cancel the policy or contract, on a date specified in the notice, has been filed in the office of the ~~commissioner~~ Commissioner and provided to the employer. The notice shall be filed with the Commissioner in accordance with rules adopted by the Commissioner and provided to the employer by certified mail ~~or certificate of mailing~~. The cancellation shall not affect the liability of an insurance carrier on account of an injury occurring prior to cancellation.

Sec. 8. 21 V.S.A. § 697 is amended to read:

§ 697. NOTICE OF INTENT NOT TO RENEW POLICY

An insurance carrier who does not intend to renew a workers' compensation insurance policy of workers' compensation insurance or guarantee contract covering the liability of an employer under the provisions of this chapter, ~~45 days prior to the expiration of the policy or contract,~~ shall give notice of ~~the its~~ intention to the ~~commissioner of labor~~ Commissioner and ~~to the covered employer~~ at least 45 days prior to the expiration date stated in the policy or contract. The notice shall be given to the employer by certified mail ~~or certificate of mailing.~~ An insurance carrier who fails to give notice shall continue the policy or contract in force beyond its expiration date for 45 days from the day the notice is received by the ~~commissioner~~ Commissioner and ~~the employer.~~ However, ~~this latter provision shall not apply if, prior to such expiration date,~~ on or before the expiration of the existing insurance or guarantee contract the insurance carrier has, by delivery of a renewal contract or otherwise, offered to continue the insurance ~~beyond the date by delivery of a renewal contract or otherwise,~~ or if the employer notifies the insurance carrier in writing that the employer does not wish the insurance continued beyond the expiration date, or if the employer complies with the provisions of section 687 of this title, ~~on or before the expiration of the existing insurance or guarantee contract~~ then the policy will expire upon notice to the Commissioner.

Sec. 9. STATE POLICE ACADEMY STUDY

The Department of Labor and the Office of Risk Management, in consultation with the Vermont League of Cities and Towns and any other interested parties, shall conduct a study, to be submitted to the House Committee on Commerce and Economic Development and the Senate Committee on Finance on or before January 15, 2015, to:

- (1) analyze existing and frequently reoccurring injuries suffered by police officers while attending the State Police Academy;
- (2) analyze preventative measures to avoid injuries;
- (3) recommend who should bear the financial burden of the workers' compensation premiums; and
- (4) recommend preventative measures necessary to reduce injuries.

Sec. 10. WORKPLACE SAFETY RANKING STUDY

The Department of Labor, the National Council on Compensation Insurance, and the Department of Financial Regulation shall study whether information may be made available to employers to allow an employer to

compare its workplace safety and workers' compensation experience with that of employers in similar industries or *North American Industry Classification System* codes.

Sec. 11. EFFECTIVE DATES

(a) This section and Secs. 3, 4, 9, and 10 shall take effect on passage.

(b) Secs. 1, 2, and 5–8 shall take effect on July 1, 2014.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time, Pending the question, Shall the proposal of amendment offered by the committee on Commerce and Economic Development be agreed to? **Reps. Pugh of South Burlington, Batchelor of Derby, Burditt of West Rutland, Donahue of Northfield, French of Randolph, Haas of Rochester, Krowinski of Burlington, McFaun of Barre Town, Mrowicki of Putney, and Trieber of Rockingham** moved to amend the report of the committee on Commerce and Economic Development as follows:

First: In Sec. 3, by striking out the section in its entirety and inserting in lieu thereof the following:

Sec. 3. 21 V.S.A. § 640c is added to read:

§ 640c. OPIOID USAGE DETERRENCE

(a) In support of the State's fundamental interest in ensuring the well-being of employees and employers, it is the intent of the General Assembly to protect employees from the dangers of prescription drug abuse while maintaining a balance between the employee's health and the employee's expedient return to work.

(b) As it pertains to workers' compensation claims, the Commissioner of Labor, in consultation with the Department of Health, the State Pharmacologist, the Vermont Board of Medical Practice, and the Vermont Medical Society, shall adopt rules, consistent with the best practices, governing the prescription of opioids, including patient screening and drug screening for patients prescribed opioids for chronic pain. In adopting rules, the Commissioner shall consider guidelines and standards published by the American College of Occupational and Environmental Medicine and other medical authorities with expertise in the treatment of chronic pain. The rules shall be consistent with the standards and guidelines provided under 18 V.S.A. § 4289 and any rules adopted by the Department of Health pursuant to 18 V.S.A § 4289.



Second: In Sec. 11, by striking out the section in its entirety and inserting in lieu thereof two new sections to read:

Sec. 11. 2013 Acts and Resolves No. 75, Sec. 14 is amended as follows:

Sec. 14. UNIFIED PAIN MANAGEMENT SYSTEM ADVISORY  
COUNCIL

\* \* \*

(b) The Unified Pain Management System Advisory Council shall consist of the following members:

\* \* \*

(4) the Commissioner of Labor or designee;

(5) the Director of the Blueprint for Health or designee;

~~(5)~~(6) the Chair of the Board of Medical Practice or designee, who shall be a clinician;

~~(6)~~(7) a representative of the Vermont State Dental Society, who shall be a dentist;

~~(7)~~(8) a representative of the Vermont Board of Pharmacy, who shall be a pharmacist;

~~(8)~~(9) a faculty member of the academic detailing program at the University of Vermont's College of Medicine;

~~(9)~~(10) a faculty member of the University of Vermont's College of Medicine with expertise in the treatment of addiction or chronic pain management;

~~(10)~~(11) a representative of the Vermont Medical Society, who shall be a primary care clinician;

~~(11)~~(12) a representative of the American Academy of Family Physicians, Vermont chapter, who shall be a primary care clinician;

~~(12)~~(13) a representative from the Vermont Board of Osteopathic Physicians, who shall be an osteopath;

~~(13)~~(14) a representative of the Federally Qualified Health Centers, who shall be a primary care clinician selected by the Bi-State Primary Care Association;

~~(14)~~(15) a representative of the Vermont Ethics Network;

~~(15)~~(16) a representative of the Hospice and Palliative Care Council of Vermont;

~~(16)~~(17) a representative of the Office of the Health Care Ombudsman;

~~(17)~~(18) the Medical Director for the Department of Vermont Health Access;

~~(18)~~(19) a clinician who works in the emergency department of a hospital, to be selected by the Vermont Association of Hospitals and Health Systems in consultation with any nonmember hospitals;

~~(19)~~(20) a member of the Vermont Board of Nursing Subcommittee on APRN Practice, who shall be an advanced practice registered nurse;

~~(20)~~(21) a representative from the Vermont Assembly of Home Health and Hospice Agencies;

~~(21)~~(22) a psychologist licensed pursuant to 26 V.S.A. chapter 55 who has experience in treating chronic pain, to be selected by the Board of Psychological Examiners;

~~(22)~~(23) a drug and alcohol abuse counselor licensed pursuant to 33 V.S.A. chapter 8, to be selected by the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs;

~~(23)~~(24) a retail pharmacist, to be selected by the Vermont Pharmacists Association;

~~(24)~~(25) an advanced practice registered nurse full-time faculty member from the University of Vermont's Department of Nursing; and

~~(25)~~(26) a consumer representative who is either a consumer in recovery from prescription drug abuse or a consumer receiving medical treatment for chronic noncancer-related pain;

(27) a clinician who specializes in occupational medicine or physical medicine and rehabilitation; and

(28) a consumer representative who is or has been an injured worker and has been prescribed opioids.

\* \* \*

## Sec. 12. EFFECTIVE DATES

(a) This section and Secs. 3, 4, 9, 10, and 11 shall take effect on passage.

(b) Secs. 1, 2, and 5–8 shall take effect on July 1, 2014.

Which was agreed to.

Thereupon, the recommendation of amendment offered by the committee on Commerce and Economic Development, as amended, was agreed to and third reading was ordered.

**Bill Read Second Time; Third Reading Ordered**

**H. 873**

**Rep. Condon of Colchester** spoke for the committee on Ways and Means.

House bill entitled

An act relating to making technical amendments to tax increment financing laws

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Bill Amended; Third Reading Ordered**

**H. 225**

**Rep. Hubert of Milton**, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to a statewide policy on the use of and training requirements for electronic control devices

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 20 V.S.A. § 2367 is added to read:

§ 2367. STATEWIDE POLICY; ELECTRONIC CONTROL DEVICES;

REPORTING

(a) On or before January 1, 2015, the Law Enforcement Advisory Board shall establish a statewide policy on the use of and training requirements for electronic control devices. On or before January 1, 2016, every State, local, county, and municipal law enforcement agency that employs one or more certified law enforcement officers shall adopt this policy. The policy shall include the following provisions:

(1) Electronic control devices are less-lethal alternatives to lethal force.

(2)(A) Officers may deploy an electronic control device:

(i) in response to an actively resistant subject, if there is reason to believe that using another compliance technique will result in a greater risk of injury to the officer, the subject, or a third party; and

(ii) in response to an assaultive subject when lethal force does not appear to be objectively reasonable.

(B) Neither an officer, a subject, or a third party has to actually suffer an injury before an officer is permitted to use an electronic control device, and officers are not required to use alternatives that increase the danger to themselves or the public.

(C) When it is safe to do so, officers should attempt to deescalate situations by their presence or through the use of verbal persuasion, and should provide a warning prior to deploying an electronic control device.

(3) Electronic control devices shall not be used in a punitive or coercive manner and shall not be used to awaken, escort, or gain compliance from passively resistance subjects. The act of fleeing or destroying evidence, in and of itself, does not justify the use of an electronic control device.

(4) The use of electronic control devices shall comply with all recommendations by manufacturers for the reduction of risk of injury to subjects, including situations where a subject's physical susceptibilities are known.

(5) The use of electronic control devices shall include recognition of the potential additional risks that can result from situations in which subjects have cognitive disabilities or are in emotional crises that interfere with the ability to understand consequences of action. Special consideration should be given to whether other types of force are reasonably available to effectuate custody of or facilitate control over a member of one of these special populations while still preserving the safety of that person, third parties, and the responding officer.

(6) Electronic control devices shall not be used on animals unless necessary to deter vicious or aggressive animals that threaten the safety of officers or others.

(b) The Criminal Justice Training Council shall adopt rules and develop training to ensure that the policies and standards of this section are met. The Criminal Justice Training Council shall ensure that a law enforcement officer receives appropriate and sufficient training before becoming authorized to carry or use an electronic control device.

(c) The Criminal Justice Training Council shall coordinate training initiatives with the Department of Mental Health related to law enforcement interventions, training for joint law enforcement and mental health crisis team responses, and enhanced capacity for mental health emergency responses.

(d) Every State, local, county, and municipal law enforcement agency that employs one or more certified law enforcement officers shall report all incidents involving the use of an electronic control device to the Criminal Justice Training Council in a form to be determined by the Council.

(e) As used in this section:

(1) "Electronic control device" means a device primarily designed to disrupt an individual's central nervous system by means of deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

(2) "Law enforcement officer" means a sheriff, deputy sheriff, constable, police officer, state's attorney, capitol police officer, state game warden, state police officer, or certified law enforcement officer of the Department of Motor Vehicles, the Agency of Natural Resources, or the Department of Liquor Control.

## Sec. 2. REPORTS

(a) On or before December 15, 2015, the Criminal Justice Training Council shall report to the House and Senate Committees on Government Operations and Judiciary on the progress made implementing the rules, training, and certification standards required by this act.

(b) On or before December 15, 2015, the Department of Mental Health shall report to the House and Senate Committees on Government Operations and Judiciary on the adequacy of funding to support the requirements of this act.

(c) On March 15, 2016, and annually thereafter, the Criminal Justice Training Council shall report to the House and Senate Committees on Government Operations and Judiciary all incidents involving the use of an electronic control device, a review of compliance with standards, the adequacy of training and certification requirements, and the adequacy of funding for mental health collaboration.

## Sec. 3. EFFECTIVE DATE

This act shall take effect upon passage.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the recommendation of amendment offered by the committee on Government Operations be agreed to? **Reps. Donahue of Northfield and Masland of Thetford** moved to amend the recommendation

of amendment offered by the committee on Government Operations as follows:

In Sec. 1, 20 V.S.A. § 2367, in subdivision (a)(2)(C), by striking out “should” before the words “attempt” and “provide” and inserting in lieu thereof in both instances “shall”.

Which was agreed to.

Thereupon, the recommendation of amendment offered by the committee on Government Operations, as amended, was agreed to and third reading was ordered.

### **Bill Amended; Third Reading Ordered**

#### **H. 575**

**Rep. Stevens of Waterbury**, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to lottery ticket sales

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 31 V.S.A. § 654 is amended to read:

#### § 654. POWERS AND DUTIES

The ~~commission~~ Commission shall ~~promulgate~~ adopt rules pursuant to 3 V.S.A. chapter 25 of Title 3, governing the establishment and operation of the ~~state lottery~~ State Lottery. The rules may include, ~~but shall not be limited to~~, the following:

\* \* \*

(7) ~~Ticket sales~~ Lottery product sales locations, which may include ~~state~~ State liquor stores and liquor agencies; private business establishments, except establishments holding first- or first- and third-class licenses pursuant to Title 7; fraternal, religious, and volunteer organizations; town clerks’ offices; and ~~state~~ State fairs, race tracks and other sporting arenas;

\* \* \*

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on General, Housing and Military Affairs agreed to and third reading ordered.

**Bill Amended; Third Reading Ordered****H. 656**

**Rep. Evans of Essex**, for the committee on Government Operations, to which had been referred House bill, entitled

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

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* General Provisions \* \* \*

Sec. 1. 3 V.S.A. § 122 is amended to read:

§ 122. OFFICE OF PROFESSIONAL REGULATION

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

\* \* \*

(11) ~~Board of Examiners for~~ Nursing Home Administrators

(12) ~~Board of Examiners of~~ Opticians

\* \* \*

(17) Board of ~~Radiological~~ Radiologic Technology

\* \* \*

(20) ~~Veterinary~~ Board of Veterinary Medicine

(21) Motor Vehicle Racing ~~Commission~~

(22) Boxing-

\* \* \*

(27) ~~[Deleted.]~~ Tattooists and Body Piercers

\* \* \*

(33) ~~[Deleted.]~~ Respiratory Care Practitioners

\* \* \*

Sec. 2. 3 V.S.A. § 123 is amended to read:

## § 123. DUTIES OF OFFICE

\* \* \*

(g) The Office of Professional Regulation shall create a process for:

(1) accepting education, training, or service completed by a member of the U.S. Armed Forces toward the requirements of professional licensure or certification;

(2) creating a process for educational institutions under the supervision of a licensing board to award educational credits to a member of the U.S. Armed Forces for courses taken as part of the member's military training or service that meet the standards of the American Council on Education; and

(3) expediting the issuance of a professional license to a person:

(A) who is certified or licensed in another state;

(B) whose spouse is a member of the U.S. Armed Forces and who has been subject to a military transfer to Vermont; and

(C) who left employment to accompany his or her spouse to Vermont.

Sec. 3. 3 V.S.A. § 128 is amended to read:  
§ 128. DISCIPLINARY ACTION TO BE REPORTED TO THE BOARD

(a) Any hospital, clinic, community mental health center, or other health care institution in which a licensee performs professional services shall report to the appropriate board, along with supporting information and evidence, any disciplinary action taken by it or its staff, after an initial investigation or hearing in which the licensee has been afforded the opportunity to participate, which limits or conditions the licensee's privilege to practice or leads to suspension or expulsion from the institution. The report shall be made within ten days of the date such disciplinary action was taken, regardless of whether the action is the subject of a pending appeal, and in the case of a licensee who is employed by, or under contract with, a community mental health center, a copy of the report shall also be sent to the ~~Commissioner of Mental Health and Mental Retardation~~ Commissioners of Mental Health and of Disabilities, Aging, and Independent Living. This section shall not apply to cases of resignation, separation from service, or changes in privileges which are unrelated to:

\* \* \*

\* \* \* Barbers and Cosmetologists \* \* \*

Sec. 4. 26 V.S.A. § 281 is amended to read:



§ 281. POSTSECONDARY SCHOOL OF BARBERING AND COSMETOLOGY; ~~REGISTRATION~~ CERTIFICATE OF APPROVAL

(a) No school of barbering or cosmetology shall be granted ~~registration~~ a certificate of approval unless the school:

(1) Is a postsecondary school operating a program of professional education.

(2) Employs and maintains a sufficient number of competent instructors and has apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum.

~~(2)~~(3) Maintains a daily record of the attendance of each student and regular class and instruction hours, establishes grades, and holds examinations before issuing diplomas.

~~(3)~~(4) Requires a school term of training,:

(A) in the case of a school of barbering, of not less than 1,000 hours for a complete course which includes all or the majority of the practices of barbering, and includes practical demonstrations and theoretical studies in sanitation, sterilization, the use of antiseptics, and electrical appliances, consistent with the practical and theoretical requirements applicable to barbering or any practice of barbering; and

(B) in the case of a school of cosmetology, requires a school term of training of not less than 1,500 hours for a complete course which includes all or the majority of the practices of cosmetology, and includes practical demonstrations and theoretical studies in sanitation, sterilization, the use of antiseptics, cosmetics, and electrical appliances, consistent with the practical and theoretical requirements applicable to cosmetology or any practice of cosmetology.

(b) Regional vocational centers may offer courses of instruction in barbering or cosmetology without ~~certification~~ by a certificate of approval from the ~~board~~ Board, and ~~state~~ State correctional facilities may offer courses of instruction in barbering without ~~certification~~ by a certificate of approval from the ~~board~~ Board; however, credits for licensing will only be given for courses that meet the ~~board's~~ Board's standards for courses offered in postsecondary schools of barbering or cosmetology certified by the Board.

(c) A school of barbering or cosmetology shall not require, as a condition of training for licensure, that a person enter into a covenant not to compete with the training organization or an affiliate.

## \* \* \* Funeral Services \* \* \*

Sec. 5. 26 V.S.A. § 1211 is amended to read:

§ 1211. DEFINITIONS

(a) The following words as used in this chapter, unless a contrary meaning is required by the context, shall have the following meanings:

(1) “Crematory establishment” means a ~~place of business~~ registered with the Board conducted at a specific street address or location devoted to the disposition of dead human bodies by means of cremation, alkaline hydrolysis, or any other type of human reduction acceptable to the Board of Funeral Service as established by Board rule.

(2) “Funeral director” means a licensed person who is the owner, co-owner, employee, or manager of a licensed funeral establishment and who, for compensation, engages in the practice of funeral service.

(3) “Funeral establishment” means a ~~place of business~~ registered with the Board conducted at a specific street address or location devoted to the practice of funeral service, and includes a limited services establishment.

(4) “Practice of funeral service” means arranging, directing, or providing for the care, preparation, or disposition of dead human bodies for a fee or other compensation. This includes, ~~but is not limited to:~~

(A) meeting with the public to select a method of disposition or funeral observance and merchandise;

(B) entering into contracts, either at-need or pre-need, for the provision of dispositions, funeral observances, and merchandise;

(C) arranging, directing, or performing the removal or transportation of a dead human body;

(D) securing or filing certificates, permits, forms, or other documents;

(E) supervising or arranging a funeral, memorial, viewing, or graveside observance;

(F) holding oneself out to be a licensed funeral director by using the words or terms “funeral director,” “mortician,” “undertaker,” or any other words, terms, title, or picture that, when considered in context, would imply that such person is engaged in the practice of funeral service or is a licensed funeral director.

(5) "Removal" means the removal of dead human bodies from places of death, hospitals, institutions, or other locations, for a fee or other compensation.

(b) Nothing in this section shall prohibit:

(1) cemetery owners, associations, or their employees from engaging in any functions normally performed by them in the course of their everyday affairs as allowed by 18 V.S.A. chapter 121;

(2) the University of Vermont from engaging in functions normally performed by it in the course of receiving anatomical gifts for research or education, provided that embalming and removal of dead human remains are performed by persons licensed or registered under this chapter;

(3) immediate family members of the deceased from providing for the care, preparation, or disposition of dead human bodies; or

(4) religious or spiritual persons directly authorized by the immediate family members of the deceased from providing for the care or preparation of dead human bodies without compensation.

(c) Notwithstanding this section, crematory owners and their personnel may engage in the listed activities in subsection (a) of this section only to the extent such functions are necessary to the performance of their duties. Specifically, crematory personnel may:

(1) provide for the disposition of dead human bodies by cremation, and meet with the public to arrange and provide for the disposition;

(2) enter into contracts, without taking prepaid funds, for the provision of dispositions by cremation;

(3) arrange, direct, or perform the removal or transportation of a dead human body, so long as removals are performed by licensed removal personnel; and

(4) secure and file certificates, permits, forms, or other documents.

Sec. 6. 26 V.S.A. § 1252 is amended to read:

§ 1252. APPLICATION; QUALIFICATIONS

\* \* \*

(d) Crematory establishment. A person, partnership, corporation, association, or other organization desiring to operate a crematory establishment shall apply, in writing, to the ~~board of funeral service~~ Board of Funeral Service for a license. The applicant, if a partnership, corporation, association, or other

organization, must have a designated manager or co-owner who is responsible for the operation of the establishment and who is registered with the Board under subsection (e) of this section. The application for a license shall be sworn to by the individual, or a partner or a duly authorized officer of a corporation, shall be on the form prescribed and furnished by the ~~board~~ Board, and the applicant shall furnish information, as required by rule. The application shall be accompanied by a licensing fee. However, the applicant shall not be required to pay the fee under this subsection if the applicant pays the fee under subsection (b) of this section.

(e) Crematory personnel. Any person who desires to engage in direct handling, processing, identification, or cremation of dead human remains within a licensed crematory establishment shall register with the Board of Funeral Service and pay the fee established in subsection 1256(d) of this chapter. The applicant shall have attained the age of majority and be directly employed by a licensed crematory establishment. The Board may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in programs approved by the Board.

(f) Removal personnel. Any person who desires to engage in removals shall register with the ~~board of funeral service~~ Board of Funeral Service and pay the fee established in subsection 1256(d) of this ~~title~~ chapter. The applicant shall have attained the age of majority and be directly employed by a licensed funeral or crematory establishment, or the University of Vermont for removals related to the University's anatomical gift program. The ~~board~~ Board may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in infectious diseases in programs approved by the ~~board~~ Board. Registrants under this section are authorized to perform removals only, as defined by this chapter. Unregistered personnel may accompany registered personnel to assist in removals so long as they have been instructed in handling and precautionary procedures prior to the call.

(g) Limited services establishment.

(1) The Board of Funeral Service may adopt rules for the issuance of limited service establishment licenses in accordance with this chapter. Limited service establishment licensees are authorized to perform only disposition services without arranging, directing, or performing embalming, public viewings, gatherings, memorials, funerals, or related ceremonies. Disposition services under this subsection (d) include direct cremation, direct alkaline hydrolysis, immediate burial, or direct green burial.

(2) Limited services shall be overseen by a funeral director licensed under this chapter who is employed by the limited service establishment.

(3) Each limited service arrangement shall include a mandatory written disclosure providing notice to the purchaser that limited services do not include embalming, public viewings, gatherings, memorials, funerals, or related ceremonies.

(4) A funeral director associated with a funeral establishment licensed under subsection (c) of this section may provide limited services so long as the mandatory disclosure described under subdivision (3) of this subsection is provided to the purchaser.

Sec. 7. 26 V.S.A. § 1256 is amended to read:

§ 1256. RENEWAL OF REGISTRATION OR LICENSE

\* \* \*

(d) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for license	\$ 70.00
(2) Biennial renewal of license	
(A) Funeral director	\$ 300.00
(B) Embalmer	\$ 300.00
(C) Funeral establishment	\$ 540.00
(D) Crematory establishment	\$ 540.00
(E) <u>Crematory personnel</u>	<u>\$ 85.00</u>
(F) <u>Removal personnel</u>	<u>\$ 85.00</u>
(G) <u>Limited services establishment license</u>	<u>\$ 540.00</u>

\* \* \*

Sec 8. 26 V.S.A. § 1271 is amended to read:

§ 1271. PREPAID ARRANGEMENTS

A funeral ~~director, who~~ establishment that sells services or merchandise ~~which~~ that is not to be delivered or provided within 30 days of sale, has entered into a prepaid funeral arrangement and shall comply with the requirements of this subchapter.

\* \* \* Pharmacy \* \* \*

Sec. 9. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

\* \* \*

(26) “Prescription” means an order for a regulated drug made by a physician, physician assistant, advanced practice registered nurse, dentist, or veterinarian licensed under this chapter to prescribe such a drug which shall be in writing except as otherwise specified in this subdivision. Prescriptions for such drugs shall be made to the order of an individual patient, dated as of the day of issue and signed by the prescriber. The prescription shall bear the full name, address, and date of birth of the patient, or if the patient is an animal, the name and address of the owner of the animal and the species of the animal. Such prescription shall also bear the full name, address, and registry number of the prescriber and, unless electronically prescribed, shall be written with ink, indelible pencil, or typewriter; if typewritten, it shall be signed by the prescriber. A written or typewritten prescription for a controlled substance, as defined in 21 C.F.R. Part 1308, shall contain the quantity of the drug written both in numeric and word form. If a prescription is communicated orally, it shall be reduced promptly to writing by the pharmacist.

\* \* \*

Sec. 10. 18 V.S.A. § 4215b is amended to read:

§ 4215b. IDENTIFICATION

Only a patient for whom a prescription was written, the owner of an animal for which a prescription was written, or a bona fide representative of the patient or animal owner, as defined by the Board of Pharmacy by rule after consultation with the Commissioner of Health, may pick up a prescription for a Schedule II, III, or IV controlled substance. Prior to dispensing a prescription for a Schedule II, III, or IV controlled substance, ~~a to a patient not personally known to the pharmacist,~~ the pharmacist shall require the individual receiving the drug to provide a signature and show valid and current government-issued photographic identification as evidence that the individual is the patient for whom the prescription was written, the owner of the animal for which the prescription was written, or the bona fide representative of the patient or animal owner. If the individual does not have valid, current government-issued photographic identification, the pharmacist may request alternative evidence of the individual’s identity, as appropriate.

Sec. 11. 26 V.S.A. § 2022 is amended to read:

§ 2022. DEFINITIONS

As used in this chapter:

\* \* \*

(19) “Collaborative practice” means a licensed pharmacist providing certain patient care under a written agreement with a Vermont licensed practitioner pursuant to rules adopted by the Board of Pharmacy.

Sec. 12. 26 V.S.A. § 2042a is amended to read:

§ 2042a. PHARMACY TECHNICIANS; QUALIFICATIONS FOR  
REGISTRATION

No person shall perform the duties of a pharmacy technician unless registered with the ~~board~~ Board. To obtain a registration as a pharmacy technician, an applicant shall:

(1) not have engaged in acts which affect the ability of the applicant to practice as a pharmacy technician; ~~and~~

(2) be certified or eligible for certification by a national pharmacy technician certification authority pursuant to rules adopted by the Board; and

(3) have paid the fee specified in section 2046 of this ~~title~~ chapter.

\* \* \* Real Estate Brokers and Salespersons \* \* \*

Sec. 13. 26 V.S.A. § 2211 is amended to read:

§ 2211. DEFINITIONS

(a) When used in this chapter, the following definitions shall have the following meanings except where the context clearly indicates that another meaning is intended:

(1) “Commission” means the Vermont ~~real estate commission~~ Real Estate Commission.

\* \* \*

Sec. 14. 26 V.S.A. § 2214 is amended to read:

§ 2214. TRUST AND ESCROW ACCOUNTS

\* \* \*

(b) If a deposit is reasonably expected to earn a substantial amount of interest, the broker shall, at the request of the person or persons making the deposit, place the deposit in an individual interest-bearing trust or escrow

account for the benefit of the beneficial owner. In regard to individual interest-bearing trust and escrow accounts:

\* \* \*

Sec. 15. 26 V.S.A. § 2255 is amended to read:

§ 2255. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application

(A) Broker license	\$ 50.00
(B) Salesperson license	\$ 50.00
(C) Brokerage firm registration	<u>\$50.00</u>
<del>(i) Corporation or partnership</del>	<del>\$ 50.00</del>
<del>(ii) Sole proprietor</del>	<del>\$ 0.00</del>
(D) Branch office registration	\$ 50.00

(2) Biennial renewal of broker or salesperson license \$175.00

(3) Biennial brokerage firm or branch office  
registration renewal \$75.00

<del>(A) Corporation or partnership</del>	<del>\$ 75.00</del>
<del>(B) Sole proprietor</del>	<del>\$ 0.00</del>

(4) Temporary permit \$ 25.00

(5) Transfer of license \$ 10.00

(6) Transfer to inactive status \$ 25.00

~~(b) A sole proprietor of a brokerage firm shall only pay the sole proprietor application and renewal fees pursuant to this section, provided the brokerage firm has no other persons licensed under this chapter providing professional services within the brokerage firm.~~

Sec. 16. 26 V.S.A. § 2291 is amended to read:

§ 2291. GENERAL PROVISIONS

(a) A real estate license shall not be authority for more than one person to perform the activities listed in section 2211 of this ~~title~~ chapter.



(b) A ~~person, firm, partnership, association, or corporation~~ registered brokerage firm shall designate in its application the individual who is to serve as the principal broker under the ~~license~~ brokerage firm registration.

(c) Every applicant for licensure shall have attained the age of majority.

Sec. 17. 26 V.S.A. § 2293 is amended to read:  
§ 2293. RENEWAL OF LICENSE; LAPSED LICENSE

(a)(1) Licenses shall be renewed every two years without examination and on payment of the required fees, provided that the person applying for renewal completes at least ~~46~~ 24 hours of instruction for brokers and 16 hours of instruction for salespersons, approved by the ~~commission~~ Commission, during the preceding two-year period. Four hours of this continuing education instruction shall address legislation and other topics specified by the ~~real-estate commission~~ Commission for each renewal period.

(2) In addition to the 16 hours of required continuing education for salespersons, within 90 days from the issuance of an initial salesperson license, the salesperson shall complete eight hours of instruction addressing topics specified by the Commission related to the salesperson's practice of the profession post-licensure.

(b) A broker or salesperson applying for reinstatement of a license that has lapsed shall be assessed both the renewal fee and late renewal penalty established by the ~~director of the office of professional regulation~~ Director of the Office of Professional Regulation and shall not be assessed renewal fees for the years during which the license was lapsed. Reinstatement shall not take place until the applicant completes the continuing education required for the previous renewal period.

(c) If a broker or salesperson's license has lapsed for greater than five consecutive years, the broker or salesperson shall apply for reinstatement in accordance with the initial licensure requirements as set forth in section 2292 of this ~~title~~ chapter, including a course of instruction and examination. The ~~commission~~ Commission may waive the reinstatement requirements based upon licensed practice in another state.

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

(e) [Repealed.]

Sec. 18. 26 V.S.A. § 2294 is amended to read:

§ 2294. CHANGE OF NAME OR LOCATION

(a) Whenever a licensed broker desires to be licensed under a different name, the broker shall pay the fee established under section 2255 of this ~~title chapter~~. ~~A license shall not be issued to a broker in a name other than the broker's own, or transferred to a name other than the broker's own, unless he or she has complied with 11 V.S.A. chapter 15 relating to registration of business entities. If a licensee is a partnership, corporation, or association, notice~~ Notice of any change in the names and addresses of the ~~partners, officers, or associates~~ licensees shall be given to the ~~real estate commission~~ Commission within ~~ten~~ 30 days after the change becomes effective.

(b) Each licensee shall notify the ~~commission~~ Commission in writing of any change of the licensee's principal business location, and the ~~commission~~ Commission shall issue a new license with the new address for the fee established under section 2255. ~~Duplicate licenses may be obtained on payment of the fee established under section 2255 of this chapter.~~

(c) If a ~~broker~~ brokerage firm maintains more than one place of business within the ~~state~~ State, a branch office ~~license shall be issued to that broker~~ registration is required for each branch office so maintained. Branch offices shall ~~incorporate~~ use the same registered brokerage firm name as the main office and shall ~~have~~ designate a licensed broker in charge for each branch office.

Sec. 19. 26 V.S.A. § 2299 is amended to read:

§ 2299. DEATH OF BROKER; TEMPORARY LICENSE

In the event of the death of a licensed real estate broker, the ~~commission~~ Commission may, upon application by the broker's legal representative, issue without examination a temporary license to such legal representative or to an individual designated by the representative or the broker and approved by the ~~commission~~ Commission on payment of the prescribed fee established under section 2255 of this ~~title chapter~~. Such temporary licensee may continue to transact said real estate business for a period not to exceed one year. A temporary licensee shall not ~~take new listings~~ enter into new brokerage service agreements.

\* \* \* Opticians \* \* \*

Sec. 20. 26 V.S.A. chapter 47, subchapter 2 is redesignated to read:

Subchapter 2. ~~State Board of Opticians~~ Administration

\* \* \*

\* \* \* Psychology \* \* \*

Sec. 21. 26 V.S.A. § 3001 is amended to read:  
 § 3001. DEFINITIONS

For the purposes of As used in this chapter:

\* \* \*

~~(12) "Psychological trainee" means a person engaged in postdegree supervision who shall register with the board and be subject to its jurisdiction.~~

Sec. 22. 26 V.S.A. § 3010 is amended to read:

## § 3010. FEES; LICENSES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for license	\$175.00
(2) Biennial renewal of license	\$150.00
<del>(3) Psychological trainee registration</del>	<del>\$75.00</del>
<del>(4) Biennial renewal of trainee registration</del>	<del>\$90.00</del>

Sec. 23. 26 V.S.A. § 3011a is amended to read:

## § 3011a. APPLICATIONS

\* \* \*

(b) A person engaged in supervised practice in Vermont, if not licensed as a clinical mental health counselor, marriage and family therapist, licensed independent clinical social worker, or licensed master's social worker shall be registered on the roster of psychotherapists who are nonlicensed and noncertified.

(c) In exceptional cases, the ~~board~~ Board may waive any requirement of this section if in its judgment the applicant demonstrates appropriate qualifications.

\* \* \* Private Investigative and Security Services \* \* \*

Sec. 24. 26 V.S.A. § 3162 is amended to read:

## § 3162. POWERS AND DUTIES

The ~~board~~ Board may:

\* \* \*

(7)(A) Adopt rules establishing a security guard or private investigator training program, consisting of not fewer than 40 hours of training, as a prerequisite to registration.

(B) Full-time employees shall complete the training program prior to being issued a permanent registration.

(C)(i) Part-time employees shall complete not fewer than eight hours of training prior to being issued a part-time employee temporary registration, which shall be valid for not more than 180 days from the date of issuance. The remaining training hours for part-time employees shall be completed within the temporary registration period of 180 days or before the employee has worked 500 hours, whichever occurs first. The part-time employee temporary registration may be issued only once and shall expire after 180 days or 500 hours.

(ii) ~~For the purposes of As used in this section~~ subdivision (C), “part-time employee” means an employee who works no more than 80 hours per month.

(iii) ~~The board~~ Board may prioritize training subjects to require that certain subject areas are covered in the initial eight hours of training required for part-time employees.

\* \* \*

\* \* \* Social Workers \* \* \*

Sec. 25. 26 V.S.A. chapter 61 is redesignated to read:

#### CHAPTER 61. ~~CLINICAL~~ SOCIAL WORKERS

Sec. 26. 26 V.S.A. § 3201 is amended to read:

#### § 3201. DEFINITIONS

As used in this chapter:

(1) ~~“Clinical social work” is defined as providing a service, for a consideration, which is primarily drawn from the academic discipline of social work theory, in which a special knowledge of social resources, human capabilities, and the part that motivation plays in determining behavior, is directed at helping people to achieve a more adequate, satisfying, and productive psychosocial adjustment. The application of social work principles and methods includes, but is not restricted to assessment, diagnosis, prevention, and amelioration of adjustment problems and emotional and mental disorders of individuals, families, and groups. The scope of practice for~~

~~icensed clinical social workers includes the provision of psychotherapy.~~  
“Director” means the Director of the Office of Professional Regulation.

(2) ~~“Clinical social worker” means a person who practices clinical social work in some or all of its aspects and is licensed to practice clinical social work in this state.~~ “Licensed independent clinical social worker” means a person licensed under this chapter to practice independent clinical social work, which includes providing social work and psychotherapy services. Licensed independent clinical social workers are qualified to use the Diagnostic and Statistical Manual of Mental Disorders (DSM), the International Classification of Diseases (ICD), and other diagnostic classification systems used in diagnosis and other activities.

(3) ~~“Disciplinary action” or “disciplinary cases” includes any action taken by the secretary of state or an administrative law officer established by 3 V.S.A. § 129(j) against a licensed clinical social worker or applicant premised on a finding of unprofessional conduct by the licensed clinical social worker or applicant. It includes all sanctions of any kind, refusal to grant or renew a license, suspension or revocation of a license, issuing warnings, and other similar sanctions.~~ “Licensed master’s social worker” means a person licensed under this chapter who practices social work. Psychotherapy is not within the scope of practice of a licensed master’s social worker.

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

~~(4)(5)(A)~~ “Psychotherapy” means the provision of treatment, diagnosis, evaluation, or counseling services to individuals or groups, for a consideration, for the purpose of alleviating mental disorders.

(B) “Psychotherapy” involves the application of therapeutic techniques to understand unconscious or conscious motivation, resolve emotional, relationship or attitudinal conflicts, or modify behavior which interferes with effective emotional, social, or mental functioning.

(C) “Psychotherapy” follows a systematic procedure of psychotherapeutic intervention which takes place on a regular basis over a period of time, or, in the case of evaluation and brief psychotherapies, in a single or limited number of interventions.

(D) If a person is employed by or under contract with the ~~agency of human services~~ Agency of Human Services, this definition does not apply to persons with less than a master’s degree, to persons providing life skills training or instruction, such as learning to make friends, to handle social situations, to do laundry, and to develop community awareness, or interactions of employees or contracted individuals with clients whose job description or

contract specifications do not specifically mention “psychotherapy” as a job responsibility or duty.

(6) “Social work” is defined as providing a service, for a consideration, which is primarily drawn from the academic discipline of social work theory, in which a special knowledge of social resources, human capabilities, and the part that motivation plays in determining behavior, is directed at helping people to achieve a more adequate, satisfying, and productive psychosocial adjustment. The application of social work principles and methods includes assessment, diagnosis, prevention, and amelioration of adjustment problems and emotional and mental disorders of individuals, families, and groups.

Sec. 27. TRANSITIONAL PROVISION; PERSONS CURRENTLY LICENSED AS CLINICAL SOCIAL WORKERS

A person licensed as a clinical social worker on the effective date of Sec. 26, 26 V.S.A. § 3201 (definitions), of this act shall be deemed to be licensed at the level of a licensed independent clinical social worker, as that term is defined in that section, and may within the limits of his or her education, training, and experience practice all aspects of social work without restriction.

Sec. 28. 26 V.S.A. § 3202 is amended to read:

§ 3202. PROHIBITION, OFFENSES

(a) No person shall practice or attempt to practice licensed independent clinical social work or licensed master’s social work, nor shall any person use in connection with the person’s name any letters, words, or insignia indicating or implying that the person is a licensed independent clinical social worker or a licensed master’s social worker unless the person is licensed in accordance with this chapter.

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

Sec. 29. 26 V.S.A. § 3203 is amended to read:

§ 3203. DIRECTOR OF THE OFFICE OF PROFESSIONAL REGULATION; DUTIES

(a) ~~The director of professional regulation~~ Director shall:

(1) explain appeal procedures to ~~licensed clinical social workers licensees~~ and applicants and complaint procedures to the public;

(2) administer fees collected under this chapter;

(3) provide general information to applicants for licensure as licensed independent clinical social workers and licensed master's social workers;

(4) receive applications for licensing, license applicants qualified under this chapter, or renew, revoke, reinstate, and condition ~~licensing~~ licenses as ordered by an administrative law officer; and

(5) adopt by rule criteria for licensing independent clinical social workers and licensed master's social workers who have five years' licensed or certified practice experience in another jurisdiction of the United States or Canada.

(b) The ~~director~~ Director, with the advice of two licensed independent clinical social workers appointed under section 3204 of this ~~title chapter~~, may adopt rules necessary to enable the ~~director~~ Director to perform his or her duties under subsection (a) of this section.

Sec. 30. 26 V.S.A. § 3204 is amended to read:

§ 3204. ADVISOR APPOINTEES

(a) The ~~secretary of state~~ Secretary of State shall appoint two licensed independent clinical social workers to serve as advisors in matters relating to licensed ~~clinical~~ social workers. They shall be appointed as set forth in 3 V.S.A. § 129b and shall serve at the pleasure of the ~~secretary~~ Secretary. One of the initial appointments may be for less than a full term.

(b) Appointees shall not have less than three years' experience as a licensed independent clinical social worker ~~certified or licensed under this chapter during the period immediately preceding appointment~~ and shall be actively engaged in the active practice of clinical social work in Vermont during incumbency.

(c) The ~~office of professional regulation~~ Director shall refer complaints and disciplinary matters to an administrative law officer established under 3 V.S.A. § 129(j).

(d) The ~~director~~ Director shall seek the advice of the ~~clinical social workers~~ advisors appointed under this section in carrying out the provisions of this chapter. Such members shall be entitled to compensation and expenses as provided in 32 V.S.A. § 1010 for attendance at any meeting called by the ~~director~~ Director for this purpose.

Sec. 31. 26 V.S.A. § 3205 is amended to read:

§ 3205. LICENSED MASTER'S SOCIAL WORKER ELIGIBILITY

(a) To be eligible for licensing as a ~~clinical~~ licensed master's social worker an applicant ~~must~~ shall have:

(1) received a master's degree or ~~doctorate~~ doctoral degree from an accredited social work education program;

(2) ~~{Deleted.}~~ within five years prior to applying for licensure, passed the examinations designated by the Director; and

(3) completed ~~3,000~~ 1,200 hours of supervised practice of ~~clinical~~ social work as defined by rule under the supervision of a ~~licensed physician or a licensed osteopathic physician who has completed a residency in psychiatry, a licensed psychologist, a licensed clinical mental health counselor, a person licensed or certified under this chapter, or a person licensed or certified in another state or Canada in one of these professions~~ as a licensed independent clinical social worker or a licensed master's social worker or their substantial equivalent.

(b) Persons engaged in ~~post-masters~~ post-master's degree supervised practice in Vermont to become licensed master's social workers shall ~~be entered on the roster of nonlicensed, noncertified psychotherapists; register~~ with the Office as provided by rule.

~~(4) submitted the names and addresses of three persons who can attest to the applicant's professional competence. Such person shall be a licensed physician or a licensed osteopathic physician who has completed a residency in psychiatry, a licensed psychologist, a licensed clinical mental health counselor, a person licensed or certified under this chapter, or a person licensed in another state or Canada in one of these professions; and~~

~~(5) passed an examination to the satisfaction of the director of the office of professional regulation.~~

Sec. 32. 26 V.S.A. § 3205a is added to read:

§ 3205a. LICENSED INDEPENDENT CLINICAL SOCIAL WORKER  
ELIGIBILITY

(a) To be eligible for licensure as a licensed independent clinical social worker, an applicant shall have:

(1) received a master's degree or doctoral degree from an accredited social work education program;

(2) within five years prior to applying for licensure, passed the examinations designated by the Director; and



(3) completed 3,000 hours of supervised practice of independent clinical social work as defined by rule under the supervision of a:

(A) licensed independent clinical social worker;

(B) licensed independent clinical mental health counselor;

(C) licensed psychologist; or

(D) a person licensed or certified in another state or Canada in one of these professions or their substantial equivalent.

(b) Persons not licensed as master's social workers who engage in post-master's supervised practice in Vermont toward licensure as licensed independent clinical social workers shall be entered on the roster of nonlicensed, noncertified psychotherapists.

(c) Licensed master's social workers who engage in post-master's supervised practice to become licensed independent clinical social workers must first register with the Office as set forth by rule, if the supervised practice toward licensure as an independent clinical social worker is to occur within the State of Vermont.

Sec. 33. 26 V.S.A. § 3206 is amended to read:

§ 3206. APPLICATION

A person who desires to be licensed as ~~a clinical social worker~~ under this chapter shall apply ~~to the secretary in writing on a~~ using an application form furnished by the secretary available from the Office, accompanied by payment of the specified fee.

Sec. 34. 26 V.S.A. § 3207 is amended to read:

§ 3207. EXAMINATION

~~(a) The director of professional regulation shall conduct examinations under this chapter at least once a year at a time and place designated by it, provided, however, that examinations need not be conducted at times when there are no applicants requesting to be examined. Examinations shall be written. Each applicant shall be designated by a number so that his or her name is not disclosed to the director until the examination has been graded. Examinations shall include questions in such theoretical and applied fields as the director deems most suitable to test an applicant's knowledge and competence to engage in the practice of clinical social work. The director of professional regulation, with the advice of the clinical social workers appointed under section 3204 of this title, shall establish by rule fixed criteria for passing an examination that shall apply to all persons taking the examination.~~

~~(b) Examinations administered by the director and the procedures of administration shall be fair and reasonable and shall be designed and implemented to ensure that all applicants are granted a license if they demonstrate that they possess the minimal occupational qualifications which are consistent with the public health, safety, and welfare. They shall not be designed or implemented for the purpose of limiting the number of licenses issued.~~

~~(c) The director of the office of professional regulation~~ Director may contract with ~~clinical social workers or with independent testing services for the preparation and administration of the exam~~ examinations.

Sec. 35. 26 V.S.A. § 3208 is amended to read:

§ 3208. RENEWALS

(a) Licenses shall be renewed every two years on a schedule determined by the Office and upon payment of the required fee.

(b) An application for ~~renewal~~ reinstatement of a license which has lapsed shall be accompanied by the renewal fee in addition to ~~the reinstatement fee~~ other fees set forth in 3 V.S.A. chapter 5. A person shall not be required to pay renewal fees for the years during which the license was lapsed.

~~(c) The director may, after notice and an opportunity for hearing, revoke a person's right to renew his or her license if such license has lapsed for five years. [Repealed.]~~

(d) As a condition of renewal, a licensee shall complete continuing education, approved by the ~~director~~ Director by rule, during the preceding two-year period. For purposes of this subsection, the ~~director~~ Director may require, as set forth by rule, not more than 20 hours of approved continuing social work education as a condition of renewal.

~~(e) The Director may by rule prescribe standards for persons wishing to resume practice after five years since holding an active license.~~

Sec. 36. 26 V.S.A. § 3209 is amended to read:

§ 3209. ~~LICENSING WITHOUT EXAMINATION~~ LICENSURE BY ENDORSEMENT

The ~~director of the office of professional regulation~~ Director may, upon payment of the required fee, grant a license without examination if the applicant:

(1) ~~is licensed~~ holds an active license to practice ~~clinical licensed master's social work or licensed independent clinical social work~~ in another state or Canadian jurisdiction; and

(2) the requirements for licensing in that state or jurisdiction are, in the judgment of the ~~director of the office of professional regulation~~ Director, ~~essentially~~ substantially equivalent to the requirements of this chapter.

Sec. 37. 26 V.S.A. § 3210 is amended to read:

§ 3210. UNPROFESSIONAL CONDUCT

(a) The following conduct and the conduct set forth in 3 V.S.A. § 129a by a person licensed ~~social worker under this chapter~~ constitutes unprofessional conduct. When that conduct is by an applicant or a person who later becomes an applicant, it may constitute grounds for denial or discipline of a license:

(1) failing to use a correct title in professional activity;

(2) conduct which evidences unfitness to practice licensed independent clinical social work or licensed master's social work;

(3) engaging in any sexual conduct with a client, or with the immediate family member of a client, with whom the licensee has had a professional relationship within the previous two years;

(4) harassing, intimidating, or abusing a client or patient;

(5) practicing outside or beyond a ~~clinical social worker's area of licensee's education, training, experience, or competence~~ without appropriate supervision;

(6) ~~engaging in conflicts~~ having a conflict of interest that ~~interfere~~ interferes with the exercise of the ~~clinical social worker's licensee's~~ professional responsibilities, discretion, and impartial judgment;

(7) failing to inform a client when a real or potential conflict of interest arises, and failing to take reasonable steps to resolve the issue in a manner that makes the client's interest primary and protects the client's interest to the greatest extent possible;

(8) taking unfair advantage of any professional relationship or exploiting others to further the ~~clinical social worker's licensee's~~ personal, religious, political, or business interests;

(9) engaging in dual or multiple relationships with a client or former client in which there is a risk of exploitation or potential harm to the client;

(10) failing to take steps to protect a client and to set clear, appropriate, and culturally sensitive boundaries, in instances where dual or multiple relationships are unavoidable;

(11) failing to clarify with all parties which individuals will be considered clients and the nature of the ~~clinical social worker's~~ licensee's professional obligations to the various individuals who are receiving services, when a ~~clinical social worker~~ licensee provides services to two or more people who have a spousal, familial, or other relationship with each other;

(12) failing to clarify the ~~clinical social worker's~~ licensee's role with the parties involved and to take appropriate action to minimize any conflicts of interest, when the clinical social worker anticipates a conflict of interest among the individuals receiving services or anticipates having to perform in conflicting roles such as testifying in a child custody dispute or divorce proceedings involving clients.

(b) After hearing, and upon a finding of unprofessional conduct, an administrative hearing officer may take disciplinary action against a ~~licensed clinical social worker~~ licensee or applicant.

Sec. 38. 26 V.S.A. § 3212 is amended to read:

§ 3212. EXEMPTIONS

(a) The provisions of this chapter shall not apply to persons while engaged in the course of their customary duties as clergy, licensed physicians, nurses, osteopaths, optometrists, dentists, lawyers, psychologists, mental health counselors, certified marriage and family therapists and psychoanalysts, rostered psychotherapists, or licensed educators when performing their duties consistent with the accepted standards of their respective professions; provided, however, that they do not describe themselves to the public by any other title or description stating or implying that they are licensed independent clinical social workers or ~~are licensed to practice clinical social work~~ master's social workers.

\* \* \*

(c) ~~Notwithstanding the provisions of subsections (a) and (b) of this section, the provisions of this chapter shall apply to any person licensed as a clinical social worker under this chapter.~~ [Repealed.]

Sec. 39. 26 V.S.A. § 3213 is amended to read:

§ 3213. DISCLOSURE OF INFORMATION

(a) ~~The office of professional regulation~~ Director, in consultation with the advisor appointees, shall adopt rules requiring licensed independent clinical social workers to disclose to each client the licensed independent clinical social worker's professional qualifications and experience, those actions that constitute unprofessional conduct, the method for filing a complaint or making a consumer inquiry, and provisions relating to the manner in which the information shall be displayed and signed by both the licensed independent clinical social worker and the client. The rules may include provisions for applying or modifying these requirements in cases involving institutionalized clients, minors, and adults under the supervision of a guardian.

(b) The Director, in consultation with the advisor appointees, may adopt rules requiring licensed master's social workers to disclose to each client the licensed master's social worker's professional qualifications and experience, those actions that constitute unprofessional conduct, the method for filing a complaint or making a consumer inquiry, and provisions relating to the manner in which the information shall be displayed and signed by both the licensed master's social worker and the client. The rules may include provisions for applying or modifying these requirements in cases involving institutionalized clients, minors, and adults under the supervision of a guardian.

\* \* \* Clinical Mental Health Counselors \* \* \*

Sec. 40. 26 V.S.A. § 3262a is amended to read:

§ 3262a. BOARD OF ALLIED MENTAL HEALTH PRACTITIONERS

(a) ~~A board of allied mental health practitioners~~ Board of Allied Mental Health Practitioners is established.

(b) ~~The board~~ Board shall consist of six members appointed by the ~~governor~~ Governor pursuant to 3 V.S.A. §§ 129b and 2004.

(1) Two members shall be licensed clinical mental health counselors; one member shall be a ~~certified~~ licensed marriage and family therapist; one member shall, at the time of appointment, be a nonlicensed and noncertified psychotherapist entered on the roster; and two members shall be public members.

(2) The public members shall have no direct financial interest personally or through a spouse, parent, child, brother, or sister in clinical mental health counseling, marriage and family therapy, or psychotherapy.

(3) The professional members ~~of the board~~ shall have at least three years of professional experience as a clinical mental health counselor, marriage and family therapist, or psychotherapist, ~~during the period immediately preceding appointment~~ and shall be actively engaged in ~~the practice of clinical mental health counseling, marriage and family therapy, or psychotherapy~~ one of these professions during incumbency.

(c) A majority of the members of the ~~board~~ Board shall constitute a quorum for transacting business, and all action shall be taken upon a majority vote of the members present and voting.

\* \* \* Real Estate Appraisers \* \* \*

Sec. 41. 26 V.S.A. § 3314 is amended to read:

§ 3314. BOARD; POWERS AND DUTIES

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

(b) In addition to its other powers and duties under this chapter, the Board shall:

(1) receive and review applications;

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

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

(4) register appraisal management companies; ~~and~~

(5) inquire of the Vermont Criminal Information Center for any information on criminal records of any and all applicants, and the Center shall provide such information to the Board. The Board, through the Vermont Criminal Information Center, shall also inquire of the appropriate state criminal record repositories in all states in which it has reason to believe an applicant has resided or been employed, and it shall also inquire of the Federal Bureau of Investigation for any information on criminal records of applicants. The Board shall obtain fingerprints of the applicant, in digital form if practicable, and any appropriate identifying information for submission to the Federal Bureau of Investigation in connection with a state and national background check. Applicants shall bear all costs associated with background screening. The Board may also make additional inquiries it deems necessary into the character, integrity, and reputation of the applicant; and

(6) perform other functions and duties as may be necessary to carry out the provisions of this chapter.

Sec. 42. 26 V.S.A. § 3319a is amended to read:

§ 3319a. APPRAISER TRAINEE REGISTRATION

\* \* \*

~~(b) To be credited toward the hourly experience requirement for licensure, the trainee shall inspect each property appraised with the trainee's supervisor. [Repealed.]~~

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

\* \* \* Tattooists and Body Piercers \* \* \*

Sec. 43. 26 V.S.A. § 4102 is amended to read:

§ 4102. PROHIBITIONS

(a) No person shall practice tattooing, permanent cosmetics, or body piercing unless that person is registered in accordance with the provisions of this chapter.

(b) No person under the age of 18 may practice tattooing, permanent cosmetics, or body piercing.

(c) A tattooist shall not tattoo a minor without the written consent of the parent or guardian of the minor.

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

Sec. 44. 26 V.S.A. § 4104 is amended to read:

§ 4104. ADVISORY APPOINTEES

(a)(1) The Secretary of State shall appoint:

(A) a professional in the field of public health and medicine from a list of persons provided by the Commissioner of Health; and

(B) two registered operators who have been practicing tattooing and body piercing for at least the three years immediately preceding appointment and who shall actively be engaged in the practice of tattooing and body piercing in Vermont during incumbency.

(2) The appointees shall be appointed to serve as advisors in matters relating to tattooing, permanent cosmetics, and body piercing. The appointees shall be appointed as set forth in 3 V.S.A. § 129b.

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

Sec. 45. 26 V.S.A. § 4105 is amended to read:

§ 4105. REGISTRATION; APPRENTICESHIP REQUIREMENTS

\* \* \*

(b)(1) As a prerequisite to registration, a tattooist or body piercer applicant shall provide proof of an apprenticeship of at least 1,000 hours of experience obtained within two calendar years working under the ~~direction and~~ direct supervision of a body piercer or tattooist registered and in good standing with this ~~state~~ State or the state in which he or she is regulated, and who has been in practice a minimum of three years. ~~Such proof~~ Proof may be in the form of a sworn affidavit from the supervising tattooist or body piercer, including information as the ~~director~~ Director may reasonably require on forms provided by the ~~director~~ Director.

(2) Apprenticeships shall include successful completion of a three-hour course in universal precautions and infectious diseases.

(3) Apprentices shall contact the ~~office~~ Office for the appropriate forms prior to beginning the apprenticeship.

(4) ~~For the purposes of~~ As used in this section subsection, “good standing” shall mean that the tattooist or body piercer supervisor holds a current, unrestricted ~~license~~ registration in this State or an unrestricted authorization to practice tattooing or body piercing in another state. A tattooist or body piercer who holds a restricted ~~license~~ registration or restricted authorization to practice may petition the ~~director~~ Director for permission to be a tattooist or body piercer supervisor, which may be granted by the ~~director~~ Director for good cause shown.

(c)(1) As a prerequisite to registration for the practice of permanent cosmetics, an applicant shall provide proof of a course of approved study lasting at least 60 hours. In addition, the applicant shall obtain at least 40 hours of practical experience, within two calendar years preceding the application, working under the direct supervision of a ~~registered~~ tattooist or permanent cosmetologist registered and in good standing in Vermont with this



State or the state ~~where~~ in which he or she is regulated, and who has been in practice a minimum of three years. Proof may be in the form of a sworn affidavit from the supervising permanent cosmetologist or tattooist, including information ~~in a form~~ as the ~~director~~ Director may reasonably require on forms provided by the Director.

(2) Training shall include successful completion of a three-hour course in universal precautions and infectious diseases.

(3) Prior to training and obtaining practical experience, applicants shall contact the ~~office~~ Office and submit the appropriate forms.

(4) ~~For the purposes of~~ As used in this section subsection, “in good standing” shall mean that the permanent cosmetologist or tattooist supervisor holds a current, unrestricted ~~license~~ registration in this State or an unrestricted authorization to practice permanent cosmetics or tattooing in another state. A permanent cosmetologist or tattooist who holds a restricted ~~license~~ registration or restricted authorization to practice may petition the ~~director~~ Director for permission to be a supervisor, which the ~~director~~ Director may grant for good cause shown.

(d) No shop shall operate in this ~~state~~ State without first registering with the ~~office of professional regulation~~ Office of Professional Regulation and paying a fee of \$100.00. Registration shall be in the form required by the ~~director~~ Director.

(1) No shop shall be granted registration unless the shop complies with this chapter and rules adopted under this chapter.

(2) All shops shall designate a person, who is ~~licensed pursuant to~~ registered under this chapter in the practice of tattooing or body piercing, who shall be responsible for overall cleanliness and sanitation of the shop.

(3) The practice of tattooing or body piercing shall be permitted only in registered shops.

(4) The practice of permanent cosmetics may be performed anywhere the practice of tattooing is ~~licensed~~ permitted, on the premises of a health care professional licensed pursuant to this title, or on premises meeting the sanitation requirements of this chapter as determined by the ~~director~~ Director or as set forth by rule.

(e) [Repealed.]

## \* \* \* Naturopathic Physicians \* \* \*

Sec. 46. 26 V.S.A. § 4125 is amended to read:

§ 4125. DIRECTOR; DUTIES

\* \* \*

(e)(1) The Director shall appoint an advisory committee to study and report to the Director and the Commissioner of Health on matters relating to the prescribing authority of naturopathic physicians under the special license endorsement, including recommendations if necessary for revisions to the administrative rules in order to ensure that naturopathic physicians prescribe, dispense, and administer prescription medicines within the scope of a naturopathic physician's pharmacology education, training, and experience.

(2) The Committee shall be composed of at least seven members: two naturopathic physicians, two physicians licensed by the Board of Medical Practice or the Board of Osteopathic Physicians and Surgeons, a pharmacologist, a pharmacist, and a member of the public.

(3) Members of the Committee shall be entitled to compensation at the rate provided in 32 V.S.A. § 1010.

\* \* \* Midwives \* \* \*

Sec. 47. 26 V.S.A. § 4185 is amended to read:

§ 4185. DIRECTOR; DUTIES

\* \* \*

(c)(1) The Director shall appoint an advisory committee to study and report to the Director and to the Commissioner of Health on matters relating to midwifery, including recommendations if necessary for revisions to the administrative rules. The Committee shall focus on improving communication and collaboration among birth providers.

(2) The Committee shall be composed of at least six members: three midwives licensed under this chapter, two physicians licensed by the Board of Medical Practice or the Board of Osteopathic Physicians and Surgeons, and one advanced practice registered nurse midwife licensed by the Board of Nursing.

(3) Members of the Committee shall be entitled to compensation at the rate provided in 32 V.S.A. § 1010.

\* \* \* Electrologists \* \* \*

Sec. 48. 26 V.S.A. § 4402 is amended to read:

## § 4402. DEFINITIONS

As used in this chapter:

\* \* \*

(3) “Electrology” means the removal of hair by electrical current using needle/probe electrode-type epilation which would include electrolysis (direct current/DC), thermolysis (alternating current/AC), or a combination of both (superimposed or sequential blend). “Electrology” includes the use ~~by properly trained licensed electrologists~~ of lasers approved by the ~~United States~~ U.S. Food and Drug Administration for electrology and as otherwise permitted by Vermont law by electrologists possessing a special license endorsement set forth in subsection 4404(d) of this chapter.

\* \* \*

Sec. 49. 26 V.S.A. § 4403 is amended to read:

## § 4403. PROHIBITION; PENALTY

\* \* \*

(c) A person licensed under this chapter shall not use lasers for hair removal without obtaining from the Director the special license endorsement set forth in subsection 4404(d) of this chapter.

(d) A person who violates this section shall be subject to the penalties provided in ~~3 V.S.A. § 127(e)~~ 3 V.S.A. § 127.

Sec. 50. 26 V.S.A. § 4404 is amended to read:

## § 4404. DIRECTOR; DUTIES

\* \* \*

(d) The Director shall adopt rules regulating a special license endorsement which shall authorize an electrologist to use lasers for hair removal. These rules shall require an electrologist to complete a comprehensive laser hair removal course satisfactorily in order to obtain this special license endorsement.

Sec. 51. EFFECTIVE DATES

This act shall take effect on July 1, 2014, except this section and Sec. 27 (transitional provision; persons currently licensed as clinical social workers), which shall take effect on passage.

**Rep. Branagan of Georgia**, for the committee on Ways and Means, recommended that the bill ought to pass when amended, as recommended by the committee on Government Operations.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the House amend the bill as recommended by the committee on Government Operations? **Rep. Evans of Essex** moved that the recommendation of amendment offered by the committee on Government Operations be amended as follows:

First: By striking out Secs. 25 (redesignating 26 V.S.A. chapter 61) through 39 (amending 26 V.S.A. § 3213) in their entirety and inserting in lieu thereof “[Deleted.]”

Second: In Sec. 51 (effective dates), after “This act shall take effect on July 1, 2014” by striking out “, except this section and Sec. 27 (transitional provision; persons currently licensed as clinical social workers), which shall take effect on passage”

Which was agreed to.

Thereupon, the recommendation of amendment offered by the committee on Government Operations, as amended, was agreed to and third reading was ordered.

### **Bill Amended; Third Reading Ordered**

#### **H. 765**

**Rep. Hubert of Milton**, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to eliminating the part-time certification of law enforcement officers

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Vermont Criminal Justice Training Council \* \* \*

Sec. 1. 20 V.S.A. § 2351 is amended to read:

§ 2351. PURPOSE; ~~DEFINITION~~ OF COUNCIL

(a) In order to promote and protect the health, safety, and welfare of the public, it is in the public interest to provide for the creation of “~~the~~ the Vermont Criminal Justice Training ~~Council.~~” Council.

(b) The Council is created to encourage and assist municipalities, counties, and governmental agencies of this State in their efforts to improve the quality of law enforcement and citizen protection by maintaining a uniform standard of recruit and in-service training for law enforcement officers, including members of the Department of Public Safety, capitol police officers, municipal police officers, constables, correctional officers, prosecuting personnel, motor vehicle inspectors, State investigators employed on a full-time basis by the Attorney General, fish and game wardens, sheriffs and their deputies who exercise law enforcement powers pursuant to the provisions of 24 V.S.A. §§ 307 and 311, ~~and~~ railroad police commissioned pursuant to 5 V.S.A. chapter 68, subchapter 8, police officers appointed to the University of Vermont's Department of Police Services, and investigators employed by the Department of Environmental Conservation who exercise law enforcement powers.

(c) The Council shall offer continuing programs of instruction in up-to-date methods of law enforcement and the administration of criminal justice.

(d) It is the responsibility of the Council to encourage the participation of local governmental units in the program and to aid in the establishment of adequate training facilities.

Sec. 2. 20 V.S.A. § 2355 is amended to read:

§ 2355. POWERS AND DUTIES

(a) The ~~council~~ Council shall adopt rules with respect to:

(1) ~~The~~ the approval, or revocation thereof, of law enforcement officer training schools and off-site training programs;

(2) ~~Minimum~~ minimum courses of study, attendance requirements, and equipment and facilities to be required at approved law enforcement officer training schools and off-site training programs;

(3) ~~Minimum~~ minimum qualifications for instructors at approved law enforcement officer training schools and off-site training programs;

(4) ~~Minimum~~ minimum basic training for law enforcement officers in each level of law enforcement officer certification and the time within which that training shall be completed;

(5) ~~Minimum basic training in order to retain their status for law enforcement officers who are appointed on a permanent basis, and the time within which that basic training shall be completed following appointment;~~ [Repealed.]

(6) ~~Minimum~~ minimum annual in-service training requirements for law enforcement officers in each level of law enforcement officer certification;

(7) ~~Minimum~~ minimum courses of training for other criminal justice personnel;

(8) ~~Categories~~ categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to those categories or classifications;

(9) ~~Recertification~~ recertification of persons who have not been employed as law enforcement officers for a three-year period;

(10) ~~A~~ a definition of criminal justice personnel and criminal justice training for purposes of this title;

(11) ~~Decertification~~ decertification of persons who have been convicted of a felony subsequent to their certification as law enforcement officers;

(12) ~~Decertification~~ decertification of persons who have not complied with in-service training requirements, provided that the ~~council~~ Council, through its ~~executive director~~ Executive Director, may grant a 60-day waiver to a ~~police~~ law enforcement officer who has failed to meet his or her annual in-service training requirements but who is able to complete those training requirements within that 60-day period.

(b) The ~~council~~ Council shall conduct and administer training schools and offer courses of instruction for law enforcement officers and other criminal justice personnel. The ~~council~~ Council may also offer the basic officer's course for pre-service students.

(c)(1) The ~~council~~ Council shall appoint, subject to the approval of the ~~governor~~ Governor, an ~~executive director~~ Executive Director who shall be an exempt ~~state~~ State employee, and who shall hold office during the pleasure of the ~~council~~ Council.

(2)(A) ~~He or she~~ The Executive Director shall perform such duties as may be assigned by the ~~council~~ Council. ~~The executive director is entitled to compensation, as established by law, and reimbursement for the expenses within the amounts available by appropriation.~~

(B) The ~~executive director~~ Executive Director may appoint officers, employees, agents, and consultants as he or she may deem necessary; and prescribe their duties, with the approval of the ~~council~~ Council.

(3) The Executive Director is entitled to compensation as established by law and reimbursement for expenses within the amounts available by appropriation.

(d) The ~~council~~ Council may, in addition:

(1) ~~Accept~~ accept and administer under this chapter and for its purposes contributions, capital grants, gifts, services, and other financial assistance from any individual, association, corporation, or other organization having an interest in criminal justice training, and from this ~~state~~ State and the United States and any of their agencies and instrumentalities, corporate or otherwise; and

(2) ~~Perform~~ perform such other acts as may be necessary or appropriate to carry out the purposes of this chapter.

(e) Any agency or department of ~~state government, municipality or~~ State, county, or municipal government may, notwithstanding any provision of this chapter, engage in and pay for, from sums appropriated for that purpose, training activities for employees in addition to any minimum training required by the ~~council~~ Council.

(f) The ~~council~~ Council shall charge participants or employers of participants in law enforcement training programs as follows:

(1) The tuition ~~fee fees~~ for any of the basic training or annual in-service training required under section 2358 of this ~~title chapter~~ shall be ~~\$6,417.00 set forth in rules adopted by the Council. The tuition fees shall be set to reflect the actual costs for operation of the particular programs offered. This fee~~ The fees for basic training shall not be charged for persons employed by police agencies at the time of training.

(2) The tuition fees for training not required under section 2358 of this ~~title chapter~~ shall be set to reflect the actual costs for operation of the particular programs offered, with an additional \$30.00 entrance exam fee.

(g) The ~~criminal justice training council~~ Council shall develop and maintain a comprehensive drug training program ~~by July 1, 1988.~~

Sec. 3. 20 V.S.A. § 2357 is amended to read:

#### § 2357. POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR

The ~~executive director~~ Executive Director of the ~~council~~ Council, on behalf of the ~~council~~ Council, shall have the following powers and duties, subject to the supervision of the ~~council~~ Council and to be exercised only in accordance with rules adopted under this chapter:

(1) ~~To~~ to approve, on applications made in advance, criminal justice personnel training programs and their lesson plans and instructors, to issue certificates of approval to those programs, and to revoke those approvals or certificates;

(2) ~~To~~ to certify, as qualified, instructors at approved criminal justice personnel training schools and to issue appropriate certificates to those instructors;

(3) ~~To~~ to certify criminal justice personnel who have satisfactorily completed approved training programs and to issue appropriate certificates to them;

(4) ~~To~~ to cause studies and surveys to be made relating to the establishment, operation, and approval of criminal justice training schools;

(5) ~~To~~ to consult and cooperate with law enforcement officer criminal justice training schools:

(A) to recommend a course of study in crime prevention for law enforcement students; and

(B) for the development of advanced in-service training programs for law enforcement officers, which shall include a course of study on crime prevention;

(6) ~~To~~ to consult and cooperate with universities, colleges, and institutes for the development of specialized courses of study including a course of study on crime prevention, where appropriate;

(7) ~~To~~ to consult and cooperate with other departments and agencies of the ~~state~~ State and federal government concerned with criminal justice personnel training;

(8) ~~To provide courses for persons who wish to make application for licensing as a private detective as provided in 32 V.S.A. § 9506, and to charge the applicant a reasonable fee, based on the cost of providing courses; [Repealed.]~~

(9) ~~To~~ to perform such other acts as may be necessary or appropriate to carry out his or her powers and duties as set forth in this chapter;

(10) ~~To~~ to report to the ~~council~~ Council at each regular meeting of the ~~council~~ Council and at such other times as may be required; and

(11) ~~Approve~~ to approve and accept pre-service and military students for any of the basic officer's training course courses set forth in section 2358 of this chapter.



Sec. 4. 20 V.S.A. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

(a) Unless waived by the Council under standards adopted by rule, and notwithstanding any statute or charter to the contrary, no person shall exercise law enforcement authority: as a law enforcement officer without completing a basic training course and annual in-service training within a time and manner prescribed by the Council by rule.

~~(1) as a part time law enforcement officer without completing a basic training course within a time prescribed by rule of the Council; or~~

~~(2) as a full time law enforcement officer without either:~~

~~(A) completing a basic training course in the time and manner prescribed by the Council; or~~

~~(B) having received, before July 1, 1968, permanent full time appointment as a law enforcement officer, and completing a basic training course before July 1, 1982.~~

~~(3) as a full or part time law enforcement officer without completing annual in-service training requirements as prescribed by the Council.~~

(b) The Council shall offer or approve basic training and annual in-service training for each of the following three levels of law enforcement officer certification in accordance with the scope of practice for each level, and shall determine by rule the scope of practice for each level in accordance with the provisions of this section:

(1) Level I certification.

(A) An applicant for certification as a Level I law enforcement officer shall first complete an off-site training program prior to entering and completing Level I basic training. Level I basic training shall include training to react to the circumstances described in subdivision (B) of this subdivision (1).

(B)(i) The scope of practice of a Level I law enforcement officer shall be limited to security, transport, vehicle escorts, and traffic control, as those terms are defined by the Council by rule, except that a Level I officer may react in the following circumstances if the officer determines that it is necessary to do any of the following:

(I) protect an individual in the presence of the officer from the imminent infliction of serious bodily injury;

(II) provide immediate assistance to an individual who has suffered or is threatened with serious bodily injury;

(III) prevent the escape of an individual whom the officer reasonably believes has committed a crime in the presence of the officer; or

(IV) prevent the escape of an individual whom the officer reasonably believes has committed a felony under Vermont law.

(ii) If a Level I officer reacts to any of the circumstances described in subdivision (i) of this subdivision (B), he or she shall call upon a Level III officer to respond and assume law enforcement authority over the incident.

(2) Level II certification.

(A) An applicant for certification as a Level II law enforcement officer shall first complete Level II basic training and may then become certified in any specialized practice area approved by the Council by rule. Level II basic training shall include training to respond to calls regarding alleged crimes in progress and to react to the circumstances described in subdivision (B) of this subdivision (2).

(B)(i) The scope of practice of a Level II law enforcement officer shall be limited to the scope of practice of his or her basic training and the scope of practice of his or her certified specialized practice area, except that a Level II officer may respond to calls regarding alleged crimes in progress and may react in the following circumstances if the officer determines that it is necessary to do any of the following:

(I) protect an individual in the presence of the officer from the imminent infliction of serious bodily injury;

(II) provide immediate assistance to an individual who has suffered or is threatened with serious bodily injury;

(III) prevent the escape of an individual whom the officer reasonably believes has committed a crime in the presence of the officer; or

(IV) prevent the escape of an individual whom the officer reasonably believes has committed a felony under Vermont law.

(ii) If a Level II officer responds to calls regarding alleged crimes in progress or reacts to any of the circumstances described in subdivision (i) of this subdivision (B) and that response or reaction is outside the scope of his or her scope of practice, he or she shall call upon a Level III officer to respond and assume law enforcement authority over the incident.

(3) Level III certification.

(A) An applicant for certification as a Level III law enforcement officer shall complete Level III basic training.

(B) The scope of practice of a Level III law enforcement officer shall include all law enforcement authority.

(c) All programs required by this section shall be approved by the Council. Completion of a program shall be established by a certificate to that effect signed by the Executive Director of the Council.

~~(e)~~(d) As used in this section:

(1) “Law enforcement officer” means a member of the Department of Public Safety who exercises law enforcement powers, a member of the State police, a capitol police officer, a municipal police officer, a constable who exercises law enforcement powers, a motor vehicle inspector, an employee of the Department of Liquor Control who exercises law enforcement powers, an investigator employed by the Secretary of State, Board of Medical Practice investigators employed by the Department of Health, Attorney General, or a ~~state’s attorney~~ State’s Attorney, a fish and game warden, a sheriff, or deputy sheriff who exercises law enforcement powers, ~~or~~ a railroad police officer commissioned pursuant to 5 V.S.A. chapter 68, subchapter 8, a police officer appointed to the University of Vermont’s Department of Police Services, or an investigator employed by the Department of Environmental Conservation who exercises law enforcement powers.

(2) ~~“Full-time law enforcement officer” means a law enforcement officer with duties of a predictable and continuing nature which require more than 32 hours per week and more than 25 weeks per year~~ “Off-site training” means training provided off the premises of a law enforcement officer training school and approved by the Council under the provisions of section 2355 of this chapter.

(3) ~~“Part-time law enforcement officer” means a law enforcement officer who is not employed full-time. [Repealed.]~~

~~(d) The council may determine whether a particular position is full-time or part-time.~~

(e) The criteria for all minimum training standards under this section shall include anti-bias training approved by the Vermont Criminal Justice Training Council.

Sec. 5. 20 V.S.A. § 2361 is amended to read:

§ 2361. ADDITIONAL TRAINING

(a) Nothing in this chapter prohibits any ~~commissioner, department or State agency head, department, or office~~ or any municipality or county of the State from providing additional training beyond basic training to its personnel in their agencies or departments where no certification is requested ~~from the director~~ of or required by the council Council or its Executive Director.

(b) The ~~commissioner of public safety~~ head of a State agency, department, or office, a municipality's chief of police, or a sheriff may seek certification from the ~~criminal justice training council~~ Council for any additional in-service training he or she may provide to his or her employees.

Sec. 6. TRANSITIONAL PROVISIONS; GRANDFATHERING OF PART-TIME OR FULL-TIME CERTIFIED LAW ENFORCEMENT OFFICERS; RULEMAKING AUTHORITY

(a)(1) On the effective date of Sec. 4 of this act, any law enforcement officer certified by the Vermont Criminal Justice Training Council as a part-time or full-time law enforcement officer immediately prior to the effective date of Sec. 4 may continue to hold that certification and practice as a law enforcement officer under the limitations of his or her part-time or full-time certification in effect immediately prior to the effective date of Sec. 4.

(2) A law enforcement officer described in subdivision (1) of this subsection shall be required to complete the next annual in-service training for one of the three levels of law enforcement officer certification provided as required pursuant to the terms of Sec. 4 according to that officer's desired scope of practice, except that an officer certified as a part-time law enforcement officer immediately prior to the effective date of Sec. 4 may only complete the next annual in-service training for a Level I or Level II law enforcement officer.

(b) The Vermont Criminal Justice Training Council shall adopt rules in order to implement the provisions of Secs. 2 (amending 20 V.S.A. § 2355 (powers and duties)), 4 (amending 20 V.S.A. § 2358 (minimum training standards; definitions)), and this section prior to the effective date of Secs. 2 and 4.

\* \* \* Investigators Employed by the Secretary of State \* \* \*

Sec. 7. 3 V.S.A. § 123(f) is amended to read:

(f) Classified State employees who are employed as investigators by the Secretary of State who have successfully met the standards of training for a

~~full-time~~ Level III law enforcement officer under 20 V.S.A. chapter 151 shall have the same powers as sheriffs in criminal matters and the enforcement of the law and in serving criminal process, and shall have all the immunities and matters of defense now available or hereafter made available to sheriffs in a suit brought against them in consequence for acts done in the course of their employment.

\* \* \* Vermont Employees Retirement System \* \* \*

Sec. 8. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) Unless a different meaning is plainly required by the context, the following words and phrases as used in this subchapter shall have the following meanings:

\* \* \*

(9) "Employee" shall mean:

\* \* \*

(B) any regular officer or employee of the Department of Public Safety assigned to police and law enforcement duties, including the Commissioner of Public Safety appointed before July 1, 2001; but, irrespective of the member's classification, shall not include any member of the General Assembly as such, any person who is covered by the Vermont Teachers' Retirement System, any person engaged under retainer or special agreement or C beneficiary employed by the Department of Public Safety for not more than 208 hours per year, or any person whose principal source of income is other than State employment. In all cases of doubt, the Retirement Board shall determine whether any person is an employee as defined in this subchapter. Also included under this subdivision are employees of the Department of Liquor Control who exercise law enforcement powers, employees of the Department of Fish and Wildlife assigned to law enforcement duties, motor vehicle inspectors, full-time deputy sheriffs ~~employed~~ compensated by the State of Vermont whose primary function is transports, full-time members of the capitol police force, investigators employed by the Criminal Division of the Office of the Attorney General, Department of State's Attorneys, Department of Health, or Office of the Secretary of State, who have attained ~~full-time~~ Level III law enforcement officer certification from the Vermont Criminal Justice Training Council, who are required to perform law enforcement duties as the primary function of their employment, and who may be subject to mandatory retirement permissible under 29 U.S.C. ~~section~~ § 623(j), who are first included in membership of the system on or after July 1, 2000. Also

included under this subdivision are full-time firefighters employed by the State of Vermont.

\* \* \*

\* \* \* Railroad Police \* \* \*

Sec. 9. 5 V.S.A. chapter 68, subchapter 8 is amended to read:

Subchapter 8. Railroad Police

§ 3755. COMMISSIONS

Upon petition of a person or corporation owning or operating a railroad, the ~~commissioner of public safety~~ Commissioner of Public Safety may, subject to the provisions of section 3757 of this subchapter, commission any employees of the railroad as the person or corporation designates to act as police officers in and upon the premises and equipment owned, managed, or used by a railroad, shall issue commissions to the employees ~~to act as police so~~ commissioned, and shall have the authority to rescind such commissions.

\* \* \*

§ 3757. QUALIFICATIONS

Persons commissioned pursuant to section 3755 of this ~~title~~ subchapter shall be subject to minimum training standards established by rule of the Vermont ~~criminal justice training council~~ Criminal Justice Training Council pursuant to 20 V.S.A. chapter 151; ~~provided that persons employed as full time railroad police before January 1, 1981, shall have until July 1, 1984, to meet the minimum training standards or equivalent standards as determined by the council, and may continue to function under laws in effect prior to passage of this subchapter until July 1984, or until receiving a commission under this subchapter, whichever occurs sooner.~~

\* \* \*

§ 3763. TERMINATION OF AUTHORITY

Upon termination of employment as a railroad police officer of any person commissioned pursuant to this subchapter, the person's commission shall be automatically rescinded and his or her powers as a police officer shall terminate. Within 10 days after the termination, the employing railroad shall file a notice of the termination with the ~~commissioner of public safety~~ Commissioner of Public Safety and the Vermont Criminal Justice Training Council. The ~~state~~ State of Vermont shall not be responsible for the supervision, discipline, or decision to terminate the employment of persons commissioned as railroad police officers under this subchapter.

## \* \* \* Game Wardens \* \* \*

Sec. 10. 10 V.S.A. § 4198 is amended to read:

§ 4198. POLICE POWERS; TRAINING; STATE GAME WARDENS;  
DEPUTY GAME WARDENS

Upon ~~certification by the executive director of the criminal justice training council of the successful completion of the training program for obtaining from the Vermont Criminal Justice Training Council Level III~~ law enforcement officers officer certification as established in 20 V.S.A. § 2358, ~~state~~ State game wardens and deputy game wardens shall have the same law enforcement authority, duties, and powers as ~~state police~~ State Police, sheriffs, constables, and municipal police, and shall have all immunities and defenses now or hereafter available to state police, sheriffs, constables, and municipal police in a suit brought against them in consequence of acts done in the course of their employment. State game wardens and deputy game wardens shall receive their regular compensation during the time they are enrolled in the Vermont Criminal Justice Training Council training program.

## \* \* \* Crimes and Criminal Procedure \* \* \*

Sec. 11. 13 V.S.A. § 4010 is amended to read:

§ 4010. GUN SILENCERS

A person who manufactures, sells, uses, or possesses with intent to sell or use an appliance known as or used for a gun silencer shall be fined \$25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers by:

(1) a certified, ~~full-time~~ law enforcement officer or ~~department of fish and wildlife~~ Department of Fish and Wildlife employee in connection with his or her duties and responsibilities and in accordance with his or her law enforcement training and scope of practice and the policies and procedures of that officer's or employee's agency or department; or

(2) the Vermont National Guard in connection with its duties and responsibilities.

## \* \* \* Sheriffs \* \* \*

Sec. 12. 32 V.S.A. § 1182 is amended to read:

§ 1182. SHERIFFS

(a) The annual salaries of the sheriffs of all counties except Chittenden shall be \$67,688.00 as of July 1, 2012 and \$70,192.00 as of July 14, 2013. The

annual salary of the sheriff of Chittenden County shall be \$71,631.00 as of July 1, 2012 and \$74,281.00 as of July 14, 2013.

(b) Compensation under subsection (a) of this section shall be reduced by 10 percent for any sheriff who has not ~~completed the full-time training requirements~~ obtained Level III law enforcement officer certification under 20 V.S.A. § 2358.

\* \* \* Investigators Appointed by a State's Attorney \* \* \*

Sec. 13. 24 V.S.A. § 364 is amended to read:

§ 364. INVESTIGATOR

(a)(1) A ~~state's attorney~~ State's Attorney may appoint an investigator and, with the approval of the Governor, shall fix the investigator's pay not to exceed that of a noncommissioned officer of the Department of Public Safety, and may remove the investigator at will.

(2) An investigator shall be reimbursed for necessary expenses incurred in connection with his or her official duties when approved by the ~~state's attorney~~ State's Attorney and the Commissioner of Human Resources.

(3) Investigators shall take part in the investigation of crime, the detection of persons suspected of committing crimes, the preparation of any criminal cause for trial, and other tasks related to the ~~state's attorney's office~~ Office of the State's Attorney.

(4) No person may be appointed as an investigator unless he or she has had appropriate experience in investigative work for a period of not less than two years, including employment as a private detective or a law enforcement officer, or has successfully completed a course of training under 20 V.S.A. chapter 151.

(b) A person appointed as an investigator who has ~~successfully completed a course of training under 20 V.S.A. chapter 151~~ obtained certification as a Level III law enforcement officer under the provisions of 20 V.S.A. § 2358 shall have the same powers as sheriffs in criminal matters and the enforcement of the law and in serving criminal process, and shall have all the immunities and matters of defense now available or hereafter made available to sheriffs in a suit brought against them in consequence for acts done in the course of their employment.

\* \* \* Constables \* \* \*

Sec. 14. 24 V.S.A. § 1936a is amended to read:

§ 1936a. CONSTABLES; POWERS AND QUALIFICATIONS



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\* \* \*

(d) A municipal legislative body may vote to allow a constable elected or appointed in another municipality to exercise law enforcement authority in its municipality, provided that:

(1) the constable is not prohibited from exercising law enforcement authority under subsection (a) of this section;

(2) the constable ~~has completed the training requirements for a full-time or part-time law enforcement officer~~ is certified to exercise that level of authority under 20 V.S.A. § 2358; and

(3) the exercise of law enforcement authority is conducted in accordance with policies and procedures adopted by the legislative body establishing the circumstances under which the authority may be exercised.

\* \* \* Investigators Employed by the Board of Medical Practice \* \* \*

Sec. 15. 26 V.S.A. § 1351 is amended to read:

§ 1351. BOARD OF MEDICAL PRACTICE

\* \* \*

(f) Classified ~~state~~ State employees who are employed as investigators by the ~~department of health~~ Department of Health who ~~have successfully met the standards of training for a full-time~~ are certified as a Level III law enforcement officer under ~~20 V.S.A. chapter 151~~ 20 V.S.A. § 2358 shall have the same powers as sheriffs in criminal matters and the enforcement of the law and in serving criminal process, and shall have all the immunities and matters of defense now available or hereafter made available to sheriffs in a suit brought against them in consequence for acts done in the course of their employment.

\* \* \* Correctional Officers \* \* \*

Sec. 16. 28 V.S.A. § 551a is amended to read:

§ 551a. LAW ENFORCEMENT POWERS OF CORRECTIONAL OFFICERS; TRAINING REQUIREMENTS

(a) The ~~commissioner of corrections~~ Commissioner of Corrections shall establish training requirements necessary for a correctional officer to be authorized to exercise the power to arrest a person on probation under section 301 of this title, to arrest a person serving supervised community sentence under section 363 of this title, or to arrest a person on parole under section 551 of this title. The required training shall include ~~but not be limited to~~ training in search and seizure, criminal law, authority to arrest, use of force, reporting and record keeping, and liability for actions and conduct.

(b) The ~~commissioner~~ Commissioner may also authorize and designate any correctional officer as defined in subdivision 3(10) of this title to become certified by the ~~criminal justice training council~~ Vermont Criminal Justice Training Council as a ~~part-time~~ law enforcement officer, pursuant to the provisions of ~~chapter 151 of Title 20 V.S.A.~~ chapter 151. The ~~commissioner~~ Commissioner and the ~~director of the training academy~~ Executive Director of the Vermont Criminal Justice Training Council shall develop curriculum subject to the approval of the ~~training council~~ Council. The ~~commissioner~~ Commissioner by ~~department~~ Department policy may prescribe the use of those law enforcement powers consistent with the official duties and job descriptions of the correctional officer, and may direct that the correctional officer not carry any weapon while on duty. Any person hereby certified shall be sworn by the ~~commissioner~~ Commissioner.

\* \* \* Effective Dates \* \* \*

#### Sec. 17. EFFECTIVE DATES

This act shall take effect on July 1, 2015 except this section and Sec. 6 (transitional provisions; grandfathering of part-time or full-time certified law enforcement officers; rulemaking authority), which shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to establishing different levels of certification and scopes of practice for law enforcement officers".

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Government Operations agreed to and third reading ordered.

#### **Message from the Senate No. 31**

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

**S. 91.** An act relating to privatization of public schools.

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

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

**H. 702.** An act relating to self-generation and net metering.

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

The Senate has on its part adopted joint resolution of the following title:

**J.R.S. 49.** Joint resolution relating to weekend adjournment.

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

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

**H. 526.** An act relating to the establishment of lake shoreland protection standards.

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

Senator Hartwell  
Senator Snelling  
Senator Rodgers.

### **Recess**

At twelve o'clock and seven minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At two o'clock and twenty-five minutes in the afternoon, the Speaker called the House to order.

### **Bill Amended; Third Reading Ordered**

#### **H. 872**

**Rep. Brennen of Colchester** spoke for the committee on Transportation.

**Rep. Helm of Fair Haven**, for the committee on Appropriations, to which had been referred House bill, entitled

An act relating to the State's Transportation Program and miscellaneous changes to the State's transportation laws

Reported in favor of its passage when amended as follows:

By adding a new Sec. 6d to read:

\* \* \* Authorization of Positions \* \* \*

Sec. 6d. AUTHORIZATION OF POSITIONS

(a) Of the 38 limited service positions authorized to be established in the Agency by 2012 Acts and Resolves No. 75, Sec. 87(e) and by 2012 Acts and Resolves No. 153, Sec. 21(a), 16 shall be converted to permanent classified positions on July 1, 2015.

(b) The Agency is authorized to establish three new permanent classified positions to carry out the Local Technical Assistance Program created pursuant to Sec. 7 of this act.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Appropriations agreed to and third reading ordered.

### **Adjournment**

At three o'clock and eight minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.