

No. 144. An act relating to restructuring and reorganizing General Assembly staff offices.

(H.754)

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

Sec. 1. 2 V.S.A. chapter 3 is amended to read:

CHAPTER 3. SERGEANT AT ARMS

* * *

§ 62. LEGISLATIVE DUTIES

(a) The Sergeant at Arms shall:

(1) execute orders of either house, the Joint Legislative Management Committee, the Committee on Joint Rules, or the House or Senate Committee on Rules;

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(d) The Sergeant at Arms and employees of the Sergeant at Arms shall seek guidance from and operate in accordance with policies adopted by the Joint Legislative Management Committee.

§ 63. ~~SALARY~~

~~(a) The salary for a newly elected Sergeant at Arms shall be set by the Joint Rules Committee and annually thereafter, this compensation shall be adjusted in accordance with any annual increase provided for legislative employees, unless otherwise determined by the Joint Rules Committee.~~

~~(b) [Repealed.]~~

§ 64. EMPLOYMENT OF ASSISTANTS; CAPITOL POLICE; ~~TRAINING;~~
~~UNIFORMS AND EQUIPMENT~~

(a) The Sergeant at Arms may, ~~subject to the rules of the General Assembly,~~ employ such employees as may be needed to carry out the Sergeant at Arms' duties. ~~These may include assistants, custodians, doorkeepers, guides, messengers, mail and room assignment clerks, security guards personnel, and pages, and other staff as needed to carry out the Sergeant at Arms' duties, except that requests for new, permanent positions shall be subject to the approval of the Joint Legislative Management Committee. The Sergeant at Arms shall also appoint Capitol Police officers as set forth in section 70 of this chapter. Compensation for such employees shall be determined by the Joint Rules Committee, except that prior to the beginning of any legislative session, compensation for a person who fills the same temporary position that he or she filled during the preceding session and, in the case of a person newly employed to fill a temporary position, the rate of compensation shall be established initially by the Sergeant at Arms at a rate not to exceed the rate established for the person who held that position during the preceding legislative session. Persons employed under this section shall be paid in the same manner as members of the General Assembly. The Commissioner of Finance and Management shall issue his or her warrant in payment of compensation approved under this section.~~

(b) All individuals employed by the Sergeant at Arms shall be subject to the personnel policies adopted by the Joint Legislative Management Committee.

(c) The provisions of 3 V.S.A. chapter 13 (classification of State personnel) shall not apply to employees of the Sergeant at Arms unless this exception is partially or wholly waived by the ~~Joint Rules Committee~~ consistent with the rules of the ~~General Assembly~~. Any waiver may subsequently be rescinded in whole or in part Joint Legislative Management Committee.

~~(e) At State expense and with the approval of the Sergeant at Arms, Capitol Police officers shall be provided with training and furnished uniforms and equipment necessary in the performance of their duties, and such items shall remain the property of the State.~~

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§ 68. BUDGET

The Sergeant at Arms shall propose a budget for the Office of Sergeant at Arms to the Joint Legislative Management Committee.

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§ 70. CAPITOL POLICE DEPARTMENT

(a) Creation. The Capitol Police Department is created within the Office of the Sergeant at Arms. The Sergeant at Arms shall appoint and may remove, at his or her pleasure, individuals as Capitol Police officers, one of whom shall be appointed to serve as Chief. All such positions shall be exempt State

employees. The Chief shall supervise the officer force under the direction of the Sergeant at Arms. Such appointments and all oaths or affirmations shall be in writing and filed with the Sergeant at Arms. An officer shall also serve as a Deputy Sergeant at Arms and as a notary public pursuant to 24 V.S.A. § 442.

(b) Powers; training.

(1) A Capitol Police officer shall have all the same powers and authority as sheriffs and other law enforcement officers anywhere in the State, which shall include the authority to arrest persons and enforce the civil and criminal laws, keep the peace, provide security, and serve civil and criminal process. For this purpose, a Capitol Police officer shall subscribe to the same oaths required for sheriffs.

(2) Notwithstanding any other provision of law to the contrary, a Capitol Police officer shall be a Level II or Level III law enforcement officer certified by the Vermont Criminal Justice Training Council pursuant to the provisions of 20 V.S.A. chapter 151, except that the Chief of the Capitol Police shall be a Level III certified law enforcement officer.

(c) Coordination of Capitol Complex security. The Capitol Police Department shall provide security within the State House and assist the Commissioner of Buildings and General Services in providing security and law enforcement services within the Capitol Complex, pursuant to the memorandum of understanding required by 29 V.S.A. § 171(f).

(d) Training; equipment. At State expense and with the approval of the Sergeant at Arms, Capitol Police officers shall be provided with training and furnished uniforms and equipment necessary in the performance of their duties, and such items shall remain the property of the State.

(e) Strategic plan. The Sergeant at Arms, in consultation with the Chief, shall prepare, maintain, and update, at least biennially, a strategic plan for the Capitol Police Department, which shall be subject to review and approval by the Joint Legislative Management Committee.

* * * Office of Legislative Counsel * * *

Sec. 2. 2 V.S.A. chapter 13 is amended to read:

CHAPTER 13. OFFICE OF LEGISLATIVE SERVICES COUNSEL

Subchapter 4 1. Legislative Council Office of Legislative Counsel

§ 401. CREATION AND PURPOSE

~~A Legislative Council~~ The Office of Legislative Counsel is created as a permanent agency to serve the General Assembly with ~~a professional staff and secretarial~~ nonpartisan legislative drafting, research, and other professional legal and editorial services.

§ 402. ~~MEMBERSHIP~~ DIRECTOR AND CHIEF COUNSEL; EMPLOYEES

~~(a) The Legislative Council shall consist of:~~

~~(1) The President Pro Tempore of the Senate and three members of the Senate appointed by the President.~~

~~(2) The Speaker of the House and three members of the House appointed by the Speaker.~~

~~(b) Members shall serve a term of two years or until their successors are appointed. The term of a member shall end upon his or her ceasing to be a member of the General Assembly.~~

~~(c) Interim vacancies may be filled by appointment by the President of the Senate or the Speaker of the House in the same manner as in subsection (a) of this section.~~

~~(d) The members shall be appointed from the political parties in the general proportion to the membership of each party in each house.~~

~~(e) Appointments shall be made biennially at the same time as standing committees.~~

(a) The Joint Legislative Management Committee shall employ an individual to be the Director and Chief Counsel of the Office of Legislative Counsel. The Committee may conduct the hiring process itself or it may delegate this duty to a special hiring committee comprising an equal number of members from the House and Senate, not all of whom shall be from the same political party; however, the Joint Legislative Management Committee shall make the final hiring decision.

(b)(1) The Director and Chief Counsel shall employ legal, editorial, and other professional staff as needed to carry out the duties of the Office of

Legislative Counsel, except that requests for new, permanent positions shall be subject to the approval of the Joint Legislative Management Committee.

(2) All individuals employed by the Office of Legislative Counsel shall be subject to the personnel policies adopted by the Joint Legislative Management Committee.

(3) The provisions of 3 V.S.A. chapter 13 (classification of State personnel) shall not apply to employees of the Office of Legislative Counsel.

§ 403. ORGANIZATION; EXPENSES; FUNCTIONS; CONFIDENTIALITY

~~(a) The Legislative Council shall meet immediately following the appointment of its membership to elect a chair and a vice chair and to organize and conduct its business. The members of the Council shall adopt rules for the organization of the Council and the operation of its personnel. The Council may meet as often as it deems necessary, and a majority of the members shall constitute a quorum for the transaction of business. Meetings may be called by the Chair or by a majority of the members.~~

~~(b) The Legislative Council shall employ such professional and secretarial staff as are required to carry out its functions and fix their compensation. 3 V.S.A. chapter 13 shall not apply to employees of the Council unless this exception is partially or wholly waived by the Council.~~

~~(c) After July 1, 1972, all of the expenses of the Legislative Council shall be charged to the legislative appropriation, and the Council shall prepare a~~

~~detailed Legislative Council budget generally in the format of departmental budgets.~~

(a) The Office of Legislative Counsel shall provide legal services to the General Assembly and its staff, including:

(1) drafting bills, resolutions, amendments, and other legal documents;

(2) providing legal research and analysis in relation to current or anticipated legislative matters;

(3) providing policy analysis of current or anticipated legislative matters;

(4) maintaining a reference library;

(5) maintaining confidential documents and other confidential materials provided to or generated by the Office in the course of business;

(6) providing contracting and other legal services to the Joint Legislative Management Committee and other legislative offices; and

(7) furnishing such other information and legal assistance with respect to legislative matters as may be required by a member, member-elect, committee or similar entity of the General Assembly, a chamber of the General Assembly, or the General Assembly as a whole, in the performance of its duties.

(b)(1) All requests for legal assistance, information, and advice from the Office of Legislative Counsel, all information received in connection with research or drafting, and all confidential materials provided to or generated by

the Office shall remain confidential unless the party requesting or providing the information or material designates that it is not confidential.

(2) Recordings and minutes of committee meetings, bills and amendments that have been approved for printing or introduction, and material appearing in the journals or calendars of either house are official documents and materials and shall not be confidential under this subsection.

~~(d) The Legislative Council shall have its offices in the State House.~~

~~(e) For attending a meeting of the Legislative Council when he or she is not receiving compensation as a member of the General Assembly, a member of the Legislative Council shall be entitled to the same per diem compensation and reimbursement for necessary expenses as provided members of standing committees under 2 V.S.A. § 406.~~

§ 404. FUNCTIONS BUDGET

~~(a) The Legislative Council shall direct, supervise, and coordinate the work of its staff and secretaries.~~

~~(b) The Legislative Council shall:~~

~~(1) furnish research services in relation to legislative problems;~~

~~(2) furnish drafting services for bills, resolutions, and amendments;~~

~~(3) establish and maintain a reference library;~~

~~(4) furnish such other information and legal assistance respecting legislative matters as may be required by a committee of either house, a joint~~

~~committee of the General Assembly, or a member elect of the General Assembly;~~

~~(5) appoint one or more persons to serve as staff for a standing committee of either house or any group of standing committees of the House and Senate;~~

~~(6) except when the General Assembly is in session and upon the request of any person, provide him or her, on a weekly basis, with a list of all public hearings or meetings scheduled by a council, committee, subcommittee, commission, or study committee of the General Assembly or any cancellations of hearings or meetings thereof previously scheduled;~~

~~(7) keep minutes of its meetings and shall maintain a file thereof.~~

~~(e) All requests for legal assistance, information, and advice and all information received in connection with research or drafting shall be confidential unless the party requesting or giving the information designates in the request that it is not confidential. Transcripts and minutes of committee meetings, including written testimony submitted to the committee, bills or amendments that have been released or approved for printing or introduction, and material appearing in the journals or calendars of either house are official documents and shall not be confidential under this subsection.~~

The Director and Chief Counsel shall propose a budget for the Office of Legislative Counsel to the Joint Legislative Management Committee.

§ 405. INTERGOVERNMENTAL COOPERATION

For the purposes of carrying out its duties, the ~~Legislative Council and its staff~~ Office of Legislative Counsel shall have access to and the right to copy any public record of all executive, administrative, and judicial departments of the State, except income and franchise tax returns and other documents classified as confidential by law.

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Subchapter ~~5~~ 2. Statutory Revision

§ 421. ~~LEGISLATIVE COUNCIL~~ OFFICE OF LEGISLATIVE COUNSEL;

STATUTORY PUBLICATION AND REVISION DUTIES

(a) The ~~Legislative Council~~ Office of Legislative Counsel shall continuously maintain and update a formal topical revision of existing permanent statutory law to be known as the Vermont Statutes Annotated. The topical revision shall be arranged in a systematic and annotated form that is consolidated into the smallest practical number of volumes and indexes.

(b) The ~~Legislative Council~~ Office of Legislative Counsel, on behalf of the State of Vermont, shall hold the copyright to the Vermont Statutes Annotated.

§ 422. CONTRACT FOR PREPARATION OF VERMONT STATUTES

ANNOTATED

(a) The ~~Legislative Council~~ Office of Legislative Counsel shall contract with a competent legal publisher to revise and publish the Vermont Statutes Annotated.

(b) The contract for publishing the Vermont Statutes Annotated shall provide for the annual editing and publishing of cumulative pocket part supplements after each biennial and adjourned legislative session for the duration of the contract. The cumulative pocket part supplements shall include all the codified laws ~~that were~~ enacted during the concluded biennial or adjourned session of the General Assembly, and during any special session that has occurred since the last annual publication. Each edition of the cumulative pocket part supplements to the Vermont Statutes Annotated shall include all annotations of constructions of the Vermont Supreme Court ~~of the State of Vermont~~ and all federal courts of the United States, available at the closing date of each edition of the pocket parts.

(c) The contracted publisher shall, as provided in the contract, ~~or as statutorily directed by the General Assembly,~~ publish replacement volumes of existing titles, or separate volumes of new titles, of the Vermont Statutes Annotated.

§ 423. ACCEPTANCE AS EVIDENCE OF LAW

(a) The ~~Legislative Council~~ Office of Legislative Counsel shall require the contracted publisher to deliver the cumulative pocket parts and separate supplements to the Vermont Statutes Annotated prior to the convening of the next session of the General Assembly, which shall include a certificate of authenticity that the ~~Legislative Council~~ Office of Legislative Counsel shall issue. The certificate shall entitle the statutes contained in the cumulative

pocket parts and separate supplements to admission in all the courts of Vermont as prima facie evidence of the law, ~~and may be cited as “V.S.A.”.~~

(b) The ~~Legislative Council~~ Office of Legislative Counsel shall require the contracted publisher to deliver new and replacement volumes of the Vermont Statutes Annotated with a certificate of authenticity that the ~~Legislative Council~~ Office of Legislative Counsel shall issue. The certificate shall entitle the statutes contained in the new and replacement volumes to admission in all the courts of Vermont as prima facie evidence of the law, ~~and may be cited as “V.S.A.”.~~

(c) A certificate of authority issued by the Statutory Revision Commission pursuant to the authority of the former 1 V.S.A. § 4 shall continue to entitle a cumulative pocket part and separate supplement, or a new and replacement volume, for which it was issued to admission in all the courts of Vermont as prima facie evidence of the law ~~and may be cited as “V.S.A.”.~~

(d) The Vermont Statutes Annotated may be cited as “V.S.A.”

§ 424. ~~LEGISLATIVE COUNCIL~~ OFFICE OF LEGISLATIVE COUNSEL;

REVISION AUTHORITY

In preparing an individual act for codification in the Vermont Statutes Annotated or publication in the Acts and Resolves, the ~~Legislative Council~~ Office of Legislative Counsel may not alter the sense, meaning, or effect of any act of the General Assembly, but it may:

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§ 425. STATUTORY DATABASES

(a) ~~The Legislative Council~~ Office of Legislative Counsel, in collaboration with the Office of Legislative Information Technology, shall maintain computerized databases of the Vermont Statutes Annotated, which shall be posted on the General Assembly's website. The databases shall include the enactment history of a codified statutory section, but shall not maintain the revisor's notes, the judicial annotations added by the publisher, or the Acts and Resolves. ~~The Legislative Council shall post these databases on the website of the Vermont General Assembly.~~

§ 426. ANNUAL STATUTORY REVISION LEGISLATION

Annually, ~~by~~ on or before February 1, the ~~Legislative Council~~ Office of Legislative Counsel may prepare and submit to the General Assembly a bill that proposes recommendations of any additions, repeals, or amendments to the existing statutes.

* * * Joint Legislative Management Committee * * *

Sec. 3. 2 V.S.A. chapter 14 is redesignated and amended to read:

CHAPTER ~~14~~ 2. JOINT LEGISLATIVE MANAGEMENT COMMITTEE

§ ~~451~~ 41. CREATION OF COMMITTEE; PURPOSE

(a) Creation. There is created the Joint Legislative Management Committee. The Committee shall provide general oversight and management across the offices of the General Assembly and shall coordinate the operations

of the Office of Legislative Operations in its delivery of shared administrative services to the legislative offices and the ~~Legislature~~ General Assembly.

(b) Membership. The Committee shall be composed of the following members:

(1) four members of the House, which shall include ~~representatives of the Legislative Council Committee,~~ representation from the Joint Fiscal Committee, and the House Rules Committee, and shall consist of:

(A) the Speaker of the House; and

(B) three members of the House appointed by the Speaker, not all from the same political party; and

(2) four members of the Senate, which shall include ~~representatives of the Legislative Council Committee,~~ representation from the Joint Fiscal Committee; and the Senate Rules Committee, and shall consist of:

(A) the President Pro Tempore; and

(B) three members of the Senate appointed by the Committee on Committees, not all from the same political party.

(c) Appointments and terms.

(1) Appointments shall be made biennially at the same time as standing committees.

(2) Members shall serve a term of two years or until their successors are appointed. The term of a member shall end upon his or her ceasing to be a member of the General Assembly.

~~(d)~~(3) Interim vacancies may be filled by appointment by the Committee on Committees or the Speaker of the House in the same manner as in subsection (b) of this section.

~~(e)~~ Initial appointments shall be made upon passage of this act, with initial terms concluding at the time new appointments to the Committee are made in January 2021.

~~(f)~~ Subsequent appointments shall be made biennially at the same time as standing committees.

~~(g)~~(d) Meetings. The Committee shall meet immediately following the appointment of its membership to elect a chair and a vice chair and to organize and conduct its business. The Committee may meet as often as it deems necessary and a majority of the members shall constitute a quorum for the transaction of business. Meetings may be called by the Chair or by a majority of the members.

~~(h)~~(e) Compensation; reimbursement. For attending a meeting of the Committee when he or she is not receiving compensation as a member of the General Assembly, a member of the Committee shall be entitled to the same per diem compensation and reimbursement for necessary expenses as provided members of standing committees under section 406 23 of this title.

§ 42. OVERSIGHT AND MANAGEMENT FUNCTIONS

(a) The Joint Legislative Management Committee shall:

(1) prepare a proposed budget for the Legislative Branch that includes a budget for each legislative office;

(2) approve requests for new, permanent positions in staff offices as appropriate, for inclusion in the proposed Legislative Branch budget;

(3) approve the reallocation of existing positions among staff offices, as appropriate;

(4) approve and adopt policies that apply across the Legislative Branch, including compensation and benefits plans, personnel policies, and policies relating to information technology; and

(5) attend to other relevant management and oversight matters.

(b) The Joint Legislative Management Committee shall have access to legal, financial, administrative, information technology, and other services from legislative offices as needed to serve the needs of the Legislative Branch.

Sec. 4. JOINT LEGISLATIVE MANAGEMENT COMMITTEE;

CONCLUSION OF INITIAL TERMS

The terms of the members appointed to the Joint Legislative Management Committee in 2019 shall conclude in January 2021 at the time the new appointments to the Committee are made.

* * * Joint Fiscal Office * * *

Sec. 5. 2 V.S.A. chapter 15 is amended to read:

CHAPTER 15. JOINT FISCAL COMMITTEE; JOINT FISCAL OFFICE

Subchapter 1. Joint Fiscal Committee

§ 501. CREATION OF COMMITTEE; PURPOSE

(a) There is created a Joint Fiscal Committee whose membership shall be appointed on or before January 15 of each biennial session of the General Assembly. The Committee shall consist of five Representatives and five Senators as follows:

- (1) ~~The~~ the Chair of the House Committee on Appropriations;
- (2) ~~The~~ the Chair of the House Committee on Ways and Means;
- (3) ~~The~~ the Chair of the Senate Committee on Appropriations;
- (4) ~~The~~ the Chair of the Senate Committee on Finance;
- (5) ~~Two~~ two members of the House, ~~one from each major~~ not both from the same political party, appointed by the Speaker of the House;
- (6) ~~Two~~ two members of the Senate, ~~one from each major~~ not both from the same political party, appointed by the Committee on Committees; and
- (7) ~~One~~ one member of the Senate to be appointed by the Committee on Committees and one member of the House to be appointed by the Speaker.

(b) The Joint Fiscal Committee shall meet immediately following the appointment of its membership to organize and conduct its business. The Committee shall elect a chair, vice chair, and clerk and shall adopt rules of

procedure. The Committee may meet at any time at the call of the Chair or a majority of the members of the Committee. A majority of the membership shall constitute a quorum.

(c) For attendance at a meeting when the General Assembly is not in session, members of the Joint Fiscal Committee shall be entitled to the same per diem compensation and reimbursement for actual and necessary expenses as provided members of standing committees under section 406 23 of this title.

§ 502. ~~EMPLOYEES; RULES; BUDGET~~

~~(a) The Joint Fiscal Committee shall meet immediately following the appointment of its membership to organize and conduct its business. The Joint Fiscal Committee shall adopt rules for the operation of its personnel.~~

~~(b) The Joint Fiscal Committee shall employ such professional and secretarial staff as are required to carry out its functions and fix their compensation~~

~~(1) 3 V.S.A. chapter 13, shall not apply to employees of the Joint Fiscal Committee unless this exception is partially or wholly waived by the Joint Fiscal Committee.~~

~~(2) All requests for assistance, information, and advice and all information received in connection with fiscal research or related drafting shall be confidential unless the party requesting or giving the information designates in the request that it is not confidential. Documents, transcripts, and minutes of committee meetings, including written testimony submitted to a committee,~~

~~fiscal notes and summaries which have been released or approved for printing or introduction, and material appearing in the journals or calendars of either house are official documents and shall not be confidential under this subsection.~~

~~(e) The Joint Fiscal Committee shall prepare a budget. [Repealed.]~~

§ 503. FUNCTIONS

~~(a) The Joint Fiscal Committee shall direct, supervise, and coordinate the work of its staff and secretaries.~~

~~(b) The Joint Fiscal Committee shall:~~

~~(1) furnish research services and secretarial services of a fiscal nature to the House and Senate Committees on Appropriations, the Senate Committee on Finance, the House Committee on Ways and Means, the House and Senate Committees on Transportation, and the Joint Fiscal Committee; hire the Chief Fiscal Officer;~~

~~(2) carry on a continuing review of the fiscal operations of the State, including revenues, budgeting, and expenditures;~~

~~(3) accept grants and approve any related limited service positions, gifts, loans, or any other thing of value, approved by the Governor, under the provisions of 32 V.S.A. § 5, ~~when the General Assembly is not in session;~~~~

~~(4) establish prioritization for the work of the Joint Fiscal Office; and~~

~~(4)(5) keep minutes of its meetings and maintain a file thereof.~~

§ 504. ~~INTERGOVERNMENTAL COOPERATION~~

~~For the purposes of carrying out its duties, the Joint Fiscal Committee and its staff shall have access to and the right to copy any public record of all executive, administrative, and judicial Departments of the State, except income and franchise tax returns and other documents classified as confidential by law.~~

[Repealed.]

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Subchapter 2. Joint Fiscal Office

§ 521. CREATION AND PURPOSE

The Joint Fiscal Office is created as a permanent agency to provide the General Assembly with services relating to the fiscal operations of the State, including revenues, budgeting, and expenditures.

§ 522. CHIEF FISCAL OFFICER; EMPLOYEES

(a)(1) The Joint Fiscal Committee shall employ an individual to be the Chief Fiscal Officer of the Joint Fiscal Office.

(2) The Chief Fiscal Officer shall employ fiscal, research, and other professional staff as needed to carry out the duties of the Joint Fiscal Office, except that requests for new, permanent positions shall be subject to the approval of the Joint Legislative Management Committee.

(b) All individuals employed by the Joint Fiscal Office shall be subject to the personnel policies adopted by the Joint Legislative Management Committee.

(c) The provisions of 3 V.S.A. chapter 13 (classification of State personnel) shall not apply to employees of the Joint Fiscal Office unless this exception is partially or wholly waived by the Joint Legislative Management Committee.

§ 523. FUNCTIONS; CONFIDENTIALITY

(a) The Joint Fiscal Office shall furnish:

(1) nonpartisan research and administrative services of a fiscal nature to the Joint Fiscal Committee and, at the direction of the Joint Fiscal Committee, to the House and Senate Committees on Appropriations, the Senate Committee on Finance, the House Committee on Ways and Means, the House and Senate Committees on Transportation, the House Committee on Corrections and Institutions, and the Senate Committee on Institutions;

(2) nonpartisan research and administrative services of a fiscal nature to other legislative committees and members of the General Assembly, to the extent practicable; and

(3) fiscal and budget assistance to the Joint Legislative Management Committee and to the other legislative offices.

(b)(1) All requests for assistance, information, and advice from the Joint Fiscal Office, all information received in connection with fiscal research or related drafting, and all confidential materials provided to or generated by the Joint Fiscal Office shall remain confidential unless the party requesting or providing the information designates that it is not confidential.

(2) Recordings and minutes of committee meetings and material appearing in the journals or calendars of either house are official documents and materials and shall not be confidential under this subsection.

§ 524. BUDGET

The Chief Fiscal Officer shall propose a budget for the Joint Fiscal Office to the Joint Legislative Management Committee.

§ 525. INTERGOVERNMENTAL COOPERATION

For the purposes of carrying out its duties, the Joint Fiscal Office shall have access to and the right to copy any public record of all executive, administrative, and judicial departments of the State, except income and franchise tax returns and other documents classified as confidential by law unless permitted under 32 V.S.A. § 3102.

* * * Office of Human Resources * * *

Sec. 6. 2 V.S.A. chapter 14 is added to read:

CHAPTER 14. OFFICE OF HUMAN RESOURCES

§ 461. CREATION AND PURPOSE

The Office of Human Resources is created as a permanent agency to service the members and employees of the General Assembly with nonpartisan human resources services.

§ 462. DIRECTOR; EMPLOYEES

(a) The Joint Legislative Management Committee shall employ an individual with experience and expertise in human resources management to

be the Director of Human Resources. The Committee may conduct the hiring process itself or may delegate this duty to a special hiring committee comprising an equal number of members from the House and Senate, not all of whom shall be from the same political party; however, the Joint Legislative Management Committee shall make the final hiring decision.

(b)(1) The Director of Human Resources shall employ human resources and other professional staff as needed to carry out the duties of the Office of Human Resources, except that requests for new, permanent positions shall be subject to the approval of the Joint Legislative Management Committee.

(2) All individuals employed by the Office of Human Resources shall be subject to the personnel policies adopted by the Joint Legislative Management Committee.

(3) The provisions of 3 V.S.A. chapter 13 (classification of State personnel) shall not apply to employees of the Office of Human Resources.

§ 463. FUNCTIONS

The Office of Human Resources shall provide human resources services to members of the General Assembly and legislative employees, including:

(1) developing, in consultation with the heads of the other legislative offices, compensation and benefits plans and personnel policies for legislative offices and employees for Joint Legislative Management Committee approval and providing advice, guidance, and technical assistance in the administration of these plans and policies;

(2) providing training on topics such as the prevention of harassment and discrimination, implicit bias, time management, and other workplace issues;

(3) providing job recruitment services to other legislative offices;

(4) providing performance evaluation services to other legislative offices;

(5) providing advice and guidance to legislative employees, supervisors, and members of the General Assembly regarding labor and employment laws, policies, and practices;

(6) coordinating legislative internship opportunities, including registering legislative interns and developing and implementing internship policies and procedures;

(7) developing processes for investigating and resolving disputes and other interpersonal issues involving members of the General Assembly or legislative employees, or both;

(8) investigating and resolving, and providing guidance and assistance with investigating and resolving, employee disputes and other personnel matters; and

(9) providing guidance and assistance with investigating and resolving conflicts involving members of the General Assembly.

§ 464. BUDGET

The Director of Human Resources shall propose a budget for the Office of Human Resources to the Joint Legislative Management Committee.

§ 465. INTERGOVERNMENT COOPERATION

For the purposes of carrying out its duties, the Office of Human Resources shall have access to and the right to copy any public record of all executive, administrative, and judicial departments of the State, except income and franchise tax returns and other documents classified as confidential by law.

* * * Office of Legislative Operations * * *

Sec. 7. 2 V.S.A. chapter 16 is added to read:

CHAPTER 16. OFFICE OF LEGISLATIVE OPERATIONS

§ 551. CREATION AND PURPOSE

The Office of Legislative Operations is created as a permanent agency to serve the members and employees of the General Assembly with nonpartisan operational, financial, committee support, and other administrative services and to support the Joint Legislative Management Committee.

§ 552. DIRECTOR; EMPLOYEES

(a) The Joint Legislative Management Committee shall employ an individual with experience and expertise in administration or management to be the Director of Legislative Operations. The Committee may conduct the hiring process itself or it may delegate this duty to a special hiring committee comprising an equal number of members from the House and Senate, not all of

whom shall be from the same political party; however, the Joint Legislative Management Committee shall make the final hiring decision.

(b)(1) The Director of Legislative Operations shall employ administrative, committee services, and other professional staff as needed to carry out the duties of the Office of Legislative Operations, except that requests for new, permanent positions shall be subject to the approval of the Joint Legislative Management Committee.

(2) All individuals employed by the Office of Legislative Operations shall be subject to the personnel policies adopted by the Joint Legislative Management Committee.

(3) The provisions of 3 V.S.A. chapter 13 (classification of State personnel) shall not apply to employees of the Office of Legislative Operations.

§ 553. FUNCTIONS

The Office of Legislative Operations shall provide:

(1) administrative support to the Joint Legislative Management Committee;

(2) administrative support to other standing and interim legislative committees;

(3) payroll, billing, and expense reimbursement services to members of the General Assembly and, as needed, to other legislative offices and legislative employees; and

(4) other administrative and operational services as needed to support members of the General Assembly, legislative offices, and legislative employees.

§ 554. BUDGET

The Director of Legislative Operations shall propose a budget for the Office of Legislative Operations to the Joint Legislative Management Committee.

§ 555. INTERGOVERNMENTAL COOPERATION

For the purposes of carrying out its duties, the Office of Legislative Operations shall have access to and the right to copy any public record of all executive, administrative, and judicial departments of the State, except income and franchise tax returns and other documents classified as confidential by law.

* * * Office of Legislative Information Technology * * *

Sec. 8. 2 V.S.A. chapter 21 is added to read:

CHAPTER 21. OFFICE OF LEGISLATIVE INFORMATION

TECHNOLOGY

§ 701. CREATION AND PURPOSE

The Office of Legislative Information Technology is created as a permanent agency to serve the members and employees of the General Assembly with information technology resources and nonpartisan technology-related services.

§ 702. DIRECTOR; EMPLOYEES

(a) The Joint Legislative Management Committee shall employ an individual with experience and expertise in information technology to be the

Director of Legislative Information Technology. The Committee may conduct the hiring process itself or it may delegate this duty to a special hiring committee comprising an equal number of members from the House and Senate, not all of whom shall be from the same political party; however, the Joint Legislative Management Committee shall make the final hiring decision.

(b)(1) The Director shall employ additional information technology staff as needed to carry out the duties of the Office of Legislative Information Technology, except that requests for new, permanent positions shall be subject to the approval of the Joint Legislative Management Committee.

(2) All individuals employed by the Office of Legislative Information Technology shall be subject to the personnel policies adopted by the Joint Legislative Management Committee.

(3) The provisions of 3 V.S.A. chapter 13 (classification of State personnel) shall not apply to employees of the Office of Legislative Information Technology unless this exception is partially or wholly waived by the Joint Legislative Management Committee.

§ 703. FUNCTIONS

The Office of Legislative Information Technology shall:

(1) design, support, and maintain the General Assembly's information systems;

(2) provide hardware, software, and customer support to members and employees of the General Assembly to enable them to fulfill their professional responsibilities; and

(3) ensure that legislative records created, received, stored, or transmitted using information technology are maintained in accordance with the General Assembly's recordkeeping requirements.

§ 704. STRATEGIC PLAN FOR LEGISLATIVE INFORMATION

TECHNOLOGY

(a) The Director of Legislative Information Technology shall prepare, maintain, and update, at least biennially, a long-range strategic plan for information technology operations and services in the Legislative Branch.

(b) In preparing the plan, the Director or designee shall consult with members of the Joint Information Technology Oversight Committee, other members of the General Assembly, and employees of other legislative staff offices. In addition, the Director or designee may also consult with the State Archivist, representatives of the Executive and Judicial Branches, and members of the public.

(c) The strategic plan shall be subject to review and approval by the Joint Legislative Management Committee.

§ 705. BUDGET

The Director of Legislative Information Technology shall propose a budget for the Office of Legislative Information Technology to the Joint Legislative Management Committee.

Sec. 9. 2 V.S.A. § 614 is amended to read:

§ 614. JOINT INFORMATION TECHNOLOGY OVERSIGHT
COMMITTEE

(a) Creation. There is created the Joint Information Technology Oversight Committee to oversee investments in and use of information technology in Vermont and to provide periodic advice on legislative information technology issues.

* * *

(c) Powers and duties.

(1) The Committee shall oversee, evaluate, and make recommendations on the following:

~~(1)~~(A) the State's current deployment, management, and oversight of information technology in the furtherance of State governmental activities, including data processing systems, telecommunications networks, and related technologies, particularly with regard to issues of compatibility among existing and proposed technologies;

~~(2)~~(B) issues related to the storage of, maintenance of, access to, privacy of, and restrictions on use of computerized records;

~~(3)(C)~~ issues of public policy related to the development and promotion of the private, commercial, and nonprofit information infrastructure in the State, its relationship to the State government information infrastructure, and its integration with national and international information networks; and

~~(4)(D)~~ cybersecurity.

(2) The Committee may provide advice to the Director of Legislative Information Technology and the Joint Legislative Management Committee as appropriate regarding matters related to legislative information technology.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Office of Legislative ~~Council~~ Counsel, the Office of Legislative Operations, and the Joint Fiscal Office.

* * *

(f) Reimbursement. For attendance at meetings during adjournment of the General Assembly, members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to section ~~406~~ 23 of this title.

* * * Redesignations * * *

Sec. 10. 29 V.S.A. chapter 6 is amended to read:

CHAPTER 6. CAPITOL COMPLEX ~~COMMISSION~~

Subchapter 1. Capitol Complex Commission

§ 181. PURPOSE

* * *

Subchapter 2. Capitol Complex; Parking

* * *

Sec. 11. REDESIGNATIONS

(a) 2 V.S.A. § 71 (parking) is redesignated as 29 V.S.A. § 191 in 29 V.S.A. chapter 6, subchapter 2.

(b) 2 V.S.A. § 406 (standing committees; authority to meet; out-of-state business) is redesignated as 2 V.S.A. § 23.

(c) 2 V.S.A. § 505 (basic needs budget and livable wage; report) is redesignated as 2 V.S.A. § 526.

(d) 2 V.S.A. § 754 (contracts for Internet service) is redesignated as 2 V.S.A. § 705.

* * * Conforming Revisions * * *

Sec. 12. CONFORMING REVISIONS

When preparing the cumulative supplements and replacement volumes of the Vermont Statutes Annotated for publication, the Office of Legislative Counsel shall make the following revisions to these supplements and volumes as needed for consistency with this act, as long as the revisions have no other effect on the meaning of the affected statutes:

(1) replace “Legislative Council” and “Office of Legislative Council” with “Legislative Counsel” and “Office of Legislative Counsel” as appropriate;

(2) replace references to 2 V.S.A. § 406 (standing committees; authority to meet; out-of-state business) with 2 V.S.A. § 23 to reflect the redesignation of 2 V.S.A. § 406 pursuant to Sec. 11(b) of this act; and

(3) replace references to 2 V.S.A. § 505 (basic needs budget and livable wage; report) with 2 V.S.A. § 526 to reflect the redesignation of 2 V.S.A. § 505 pursuant to Sec. 11(c) of this act.

Sec. 13. 2 V.S.A. § 21(c) is amended to read:

(c) Official documents, as defined in ~~subsection 404(e)~~ subdivision 403(b)(2) of this title, shall be admissible under V.R.C.P. 44.

Sec. 14. 2 V.S.A. § 693(a) is amended to read:

(a) The Committee shall have the administrative, technical, and legal assistance of the ~~Legislative Council~~ Office of Legislative Counsel, the Office of Legislative Operations, and the Joint Fiscal Office.

Sec. 15. 2 V.S.A. § 801(f) is amended to read:

(f) The professional and clerical services of the Joint Fiscal Office, the Office of Legislative Operations, and the Office of Legislative ~~Council~~ Counsel shall be available to the Committee.

Sec. 16. 2 V.S.A. § 970(f) is amended to read:

(f) The staff services of the Joint Fiscal Office, the Office of Legislative Operations, and the Office of the Legislative ~~Council~~ Counsel shall be available to the Committee.

Sec. 17. 3 V.S.A. § 23(e) is amended to read:

(e) Staff services. The Commission shall be entitled to staff services of the Agency of Commerce and Community Development, the ~~Legislative Council~~ Office of Legislative Counsel, the Office of Legislative Operations, and the Joint Fiscal ~~Committee~~ Office.

Sec. 18. 3 V.S.A. § 268(d) is amended to read:

(d) Assistance. The Commission shall have the administrative, technical, and legal assistance of the Office of Legislative ~~Council~~ Counsel, the Office of Legislative Operations, the Joint Fiscal Office, and the Agency of Administration.

Sec. 19. 3 V.S.A. § 311(a) is amended to read:

(a) The classified service to which this chapter shall apply shall include all positions and categories of employment by the State, except as otherwise provided by law, and except the following:

(1) The ~~State Legislature~~ General Assembly and its employees and other officers elected by popular vote or by vote of the ~~Legislature~~ General Assembly and persons appointed to fill vacancies in elective offices.

(2) Members of boards and commissions and heads of departments or agencies appointed by the Governor, or with his or her approval.

(3) One principal or executive assistant, one deputy to the head of a department or agency, one private secretary, and one executive director for each board or commission or head of a department or agency elected or

appointed by the Governor or ~~Legislature or Legislative Council~~ General Assembly. However, nothing ~~contained herein~~ in this subdivision shall be construed so as to prevent a board, commission, or director or head of a department or agency from designating a classified employee to perform the duties of a principal assistant, deputy, executive director, or private secretary.

* * *

Sec. 20. 3 V.S.A. § 817(b) is amended to read:

(b) The Committee shall meet as necessary for the prompt discharge of its duties and may use the staff and services of the ~~Legislative Council~~ Office of Legislative Counsel and the Office of Legislative Operations. The Committee shall adopt rules to govern its operation and organization. A quorum of the Committee shall consist of five members. For attendance at a meeting when the General Assembly is not in session, members of the Legislative Committee on Administrative Rules shall be entitled to the same per diem compensation and reimbursement for necessary expenses as provided members of standing committees under 2 V.S.A. § ~~406~~ 23.

Sec. 21. 4 V.S.A. § 4(d) is amended to read:

(d) The Court Administrator shall notify the Secretary of State whenever a Justice is appointed and takes the oath of office after September 1 of the year preceding the expiration of the term of office to which the Justice has succeeded thereby resulting in automatic notification of an intention to continue in office. Whenever a Justice files a declaration under subsection (c)

of this section, or notification occurs automatically, the Secretary of State shall notify the President of the Senate, the Speaker of the House, the Office of Legislative Counsel, and the ~~Legislative Council~~ Office of Legislative Operations forthwith.

Sec. 22. 4 V.S.A. § 71(c) is amended to read:

(c) The Court Administrator shall notify the Secretary of State whenever a Superior judge is appointed and takes the oath of office after September 1 of the year preceding the expiration of the term of office to which the judge has succeeded, thereby resulting in automatic notification of an intention to continue in office. Whenever a Superior judge files a declaration under subsection (b) of this section or notification occurs automatically, the Secretary of State shall notify the President of the Senate, the Speaker of the House, the Office of Legislative Counsel, and the ~~Legislative Council~~ Office of Legislative Operations forthwith.

Sec. 23. 4 V.S.A. § 461(c)(3) is amended to read:

(3) The Court Administrator shall notify the Secretary of State whenever a magistrate is appointed and takes the oath of office after September 1 of the year preceding the expiration of the term of office to which the magistrate has succeeded, thereby resulting in automatic notification of an intention to continue in office. Whenever a magistrate files a declaration under subsection (a) of this section or when notification occurs automatically, the Secretary of State shall notify the President of the Senate, the Speaker of the House, the

Office of Legislative Counsel, and the ~~Legislative Council~~ Office of Legislative Operations forthwith.

Sec. 24. 4 V.S.A. § 601(f) is amended to read:

(f) The Board is authorized to use the staff and services of appropriate State agencies and departments as necessary to conduct investigations of applicants. The Office of Legislative ~~Council~~ Counsel shall assist the Board for the purpose of rulemaking.

Sec. 25. 4 V.S.A. § 607(c) is amended to read:

(c) The Committee may use the staff and services of the ~~Legislative Council~~ Office of Legislative Counsel and the Office of Legislative Operations to, in addition to other duties, obtain information on the performance of a judge or Justice by soliciting comments from members of the Vermont Bar and the public.

Sec. 26. 12 V.S.A. § 3(b) is amended to read:

(b) The Committee shall meet as necessary for the prompt discharge of its duties and may use the staff and services of the ~~Legislative Council~~ Office of Legislative Counsel and the Office of Legislative Operations. The Committee shall adopt rules to govern its operation and organization. A quorum of the Committee shall consist of five members. For attendance at a meeting when the General Assembly is not in session, members of the Legislative Committee on Judicial Rules shall be entitled to the same per diem compensation and

reimbursement for necessary expenses as provided members of standing committees under 2 V.S.A. § ~~406~~ 23.

Sec. 27. 16 V.S.A. § 2905(e) is amended to read:

(e) The legislative and higher education staff shall provide support to the Council as appropriate to accomplish its tasks. Primary administrative support shall be provided by the Office of Legislative ~~Council~~ Operations.

Sec. 28. 19 V.S.A. § 12b(b) is amended to read:

(b) The Committee shall meet during adjournment for official duties. Meetings shall be convened by the Chair and when practicable shall be coordinated with the regular meetings of the Joint Fiscal Committee. Members shall be entitled to compensation and reimbursement pursuant to 2 V.S.A. § ~~406~~ 23. The Committee shall have the assistance of the staff of the Office of Legislative ~~Council~~ Counsel, the Office of Legislative Operations, and the Joint Fiscal Office.

Sec. 29. 29 V.S.A. § 1160(c) is amended to read:

(c) Five copies of the permanent journals of the Senate and of the House of Representatives of each biennial and adjourned session shall be distributed to ~~the Legislative Council and to the Secretary of State.~~ One copy of the permanent journals of the Senate and of the House of Representatives of each biennial and adjourned session shall be distributed to the Office of Legislative Counsel.

Sec. 30. 32 V.S.A. § 1052(b)(3) is amended to read:

(3) Absences. If a member is absent for reasons other than sickness or legislative business for one or more entire days while the ~~House~~ house in which the member sits is in session, the member shall notify the ~~Legislative Council staff~~ Office of Legislative Operations of that absence, and expenses received shall not include the amount ~~which~~ that the legislator specifies was not incurred during the period of that absence.

Sec. 31. 33 V.S.A. § 1901a(b) is amended to read:

(b) The Secretary of Human Services or his or her designee and the Commissioner of Finance and Management shall provide quarterly to the Joint Fiscal Committee ~~and the Legislative Council~~ such information and analysis as the Committee ~~and the Council~~ reasonably ~~determine~~ determines is necessary to assist the General Assembly in the preparation of the Medicaid budget.

* * * Transitional Provision * * *

Sec. 32. CONTINUATION OF EXISTING RULES AND POLICIES

The Joint Legislative Management Committee shall continue to apply the rules and policies of the Joint Rules Committee, the Legislative Council Committee, the Joint Fiscal Committee, and the Legislative Information Technology Committee that are in effect on the effective date of this act and that govern the operations of the respective legislative offices until the Joint Legislative Management Committee's adoption of rules and policies to govern the operations of those offices in accordance with the provisions of this act.

* * * Repeals * * *

Sec. 33. REPEAL

2 V.S.A. chapter 22 (Legislative Information Technology Committee) is repealed.

* * * Effective Date * * *

Sec. 34. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

Date Governor signed bill: July 13, 2020