

House Calendar

Thursday, March 2, 2023

58th DAY OF THE BIENNIAL SESSION

House Convenes at 1:00 P.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 53

An act relating to driver's license suspensions

H. 67

An act relating to household products containing hazardous substances

H. 148

An act relating to raising the age of eligibility to marry

H. 227

An act relating to the Vermont Uniform Power of Attorney Act

Committee Bill for Second Reading

H. 411

An act relating to extending COVID-19 health care regulatory flexibility

(Rep. Houghton of Essex Junction will speak for the Committee on Health Care.)

H. 429

An act relating to miscellaneous changes to election laws

(Rep. McCarthy of St. Albans City will speak for the Committee on Government Operations and Military Affairs.)

Amendment to be offered by Rep. Sibilia of Dover to H. 429

First: By striking out Secs. 1, 17 V.S.A. § 2381(c), and 2, 17 V.S.A. § 2401, and their reader assistance heading in their entireties and inserting in lieu thereof the following:

Sec. 1. [Deleted.]

Sec. 2. [Deleted.]

Second: By adding a new section to be Sec. 2a and its accompanying reader assistance heading to read as follows:

* * * Independent Candidate Filing Deadline * * *

Sec. 2a. 17 V.S.A. § 2402(d) is amended to read:

(d)(1) A statement of nomination and a completed and signed consent form shall be filed:

* * *

(C) in the case of any other independent candidate, not earlier than the fourth Monday in April and not later than 5:00 p.m. on the ~~Thursday preceding~~ second Friday following the primary election prescribed by section 2351 of this chapter, and not later than 5:00 p.m. of the ~~third day prior to~~ second Friday following the day of a special primary election.

Favorable with Amendment

H. 40

An act relating to nonconsensual removal of or tampering with a sexually protective device

Rep. Rachelson of Burlington, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 3251 is amended to read:

§ 3251. DEFINITIONS

As used in this chapter:

(1) A “sexual act” means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person’s body or any object into the genital or anal opening of another.

(2) “Sexual conduct” means any conduct or behavior relating to sexual activities of the complaining witness, including ~~but not limited to~~ prior experience of sexual acts, use of contraceptives, living arrangement, and mode of living.

(3) “Consent” means the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time.

* * *

Sec. 2. 13 V.S.A. § 3260 is added to read:

§ 3260. NONCONSENSUAL REMOVAL OR TAMPERING WITH A CONDOM

(a) No person shall engage in a sexual act with another person when consent to the sexual act is made with the explicit understanding that a condom

would be used and intentionally and without consent remove or tamper with the condom prior to or during the sexual act in a manner likely to render it ineffective for its common purpose.

(b) A person harmed by a violation of subsection (a) of this section may bring an action in the Civil Division of the Superior Court for compensatory damages, punitive damages, and reasonable costs and attorney's fees.

(c) An action under subsection (b) of this section shall be subject to the statute of limitations in 12 V.S.A. § 511.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

and that after passage the title of the bill be amended to read: "An act relating to nonconsensual removal or tampering with a condom"

(Committee Vote: 8-3-0)

H. 94

An act relating to removing the Reach Up ratable reduction

Rep. McGill of Bridport, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REPORT; REACH UP; RATABLE REDUCTION

On or before January 15, 2024, the Department for Children and Families shall submit a report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare containing an actionable, phased plan that estimates the amount needed to remove the ratable reduction in the Reach Up program. The plan shall be designed to be phased in over a period not greater than five fiscal years and shall:

(1) address the financial implications posed by removing the ratable reduction;

(2) address any anticipated changes to the Reach Up caseload as a result of removing the ratable reduction; and

(3) identify any federal and State resources that may be utilized to remove the ratable reduction.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

(Committee Vote: 11-0-0)

Favorable

H. 217

An act relating to miscellaneous workers' compensation amendments

Rep. Williams of Barre City, for the Committee on Commerce and Economic Development, recommends the bill ought to pass.

(Committee Vote: 10-0-1)

Rep. Anthony of Barre City, for the Committee on Ways and Means, recommends the bill ought to pass.

(Committee Vote: 12-0-0)

Action Under Rule 52

H.R. 7

House resolution authorizing limited remote committee voting through the first Friday of the 2024 Adjourned Session

Rep. Bartholomew of Hartland, for the Committee on Rules, recommends the resolution ought to be adopted.

(For text see House Journal March 1, 2023)

J.R.S. 16

Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and four Associate Justices of the Supreme Court and eight Superior Court Judges

(For text see House Journal March 1, 2023)

NOTICE CALENDAR

Favorable with Amendment

H. 158

An act relating to the beverage container redemption system

Rep. Morris of Springfield, for the Committee on Environment and Energy, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. chapter 53 is amended to read:

CHAPTER 53. BEVERAGE CONTAINERS; DEPOSIT-REDEMPTION
SYSTEM

§ 1521. DEFINITIONS

As used in this chapter:

(1) “Beverage” means ~~beer or other malt beverages and mineral waters, mixed wine drink, soda water and carbonated soft~~ all drinks in liquid form and intended for human consumption, except for milk, dairy products, plant-based beverages, infant formula, meal replacement drinks, or nonalcoholic cider. ~~“Beverage” also means liquor and ready-to-drink spirits beverage.~~

(2) ~~“Biodegradable material” means material that is capable of being broken down by bacteria into basic elements. [Repealed.]~~

(3) “Container” means the individual, ~~and separate,~~ bottle, can, ~~or jar, or earthen~~ composed of glass, aluminum or other metal, paper, plastic, polyethylene terephthalate, high density polyethylene, or any combination of those materials, and containing a consumer product beverage. This definition ~~shall~~ does not include ~~containers made of biodegradable material~~ noncarbonated beverage containers with a volume greater than two and one-half liters and carbonated beverage containers with a volume greater than three liters.

(4) “Distributor” means every person who engages in the sale of consumer products in containers to a dealer in this State, including any manufacturer who engages in such sales. Any dealer or retailer who sells, at the retail level, beverages in containers without having purchased them from a person otherwise classified as a distributor ~~shall be~~ is a distributor.

(5) “Manufacturer” means every person bottling, canning, packing, or otherwise filling containers for sale to distributors or dealers.

(6) “Recycling” means the process of sorting, cleansing, treating, and reconstituting waste and other discarded materials for the purpose of reusing the materials in the same or altered form.

(7) “Redemption center” means a store or other location where any person may, during normal business hours, redeem the amount of the deposit for any empty beverage container labeled or certified pursuant to section 1524 of this title.

(8) “Secretary” means the Secretary of Natural Resources.

(9) “Mixed wine drink” means a beverage containing wine and more than 15 percent added plain, carbonated, or sparkling water and that contains added natural or artificial blended material, such as fruit juices, flavors, flavoring, adjuncts, coloring, or preservatives; that contains not more than

16 percent alcohol by volume; or other similar product marketed as a wine cooler.

(10) “Liquor” means spirits as defined in 7 V.S.A. § 2.

(11) “Cider” has the same meaning as in 7 V.S.A. § 2.

(12) “Hard kombucha” means a fermented beverage produced from a mixture of steeped tea and sugar, combined with a culture of yeast strains and bacteria, that has an alcohol content of 0.5 percent or more alcohol by volume.

(13) “Plant-based beverage” means a liquid intended for human consumption that imitates dairy milk, consists of plant material suspended in water, and the primary protein source in the beverage is from plant material or a derivative of plant materials. Plant-based beverages include beverages made from rice, soy, nuts, oats, and hemp.

(14) “Vinous beverages” means all fermented beverages of any name or description manufactured or obtained for sale from the natural sugar content of fruits or other agricultural product, containing sugar, the total alcoholic content of which is not less than one percent nor more than 16 percent by volume at 60 degrees Fahrenheit. As used in this section, “vinous beverages” does not mean cider, hard kombucha, or a mixed wine drink.

§ 1522. BEVERAGE CONTAINERS; DEPOSIT

(a) Except with respect to beverage containers that contain liquor, a deposit of not less than five cents shall be paid by the consumer on each beverage container sold at the retail level and refunded to the consumer upon return of the empty beverage container. With respect to beverage containers that contain a vinous beverage, a deposit of 15 cents shall be paid by the consumer on each beverage container sold at the retail level and refunded to the consumer upon return of the empty beverage container. With respect to beverage containers of volume greater than 50 ml. that contain liquor, a deposit of 15 cents shall be paid by the consumer on each beverage container sold at the retail level and refunded to the consumer upon return of the empty beverage container. The difference between liquor bottle deposits collected and refunds made is hereby retained by the Liquor Control Enterprise Fund for administration of this subsection. Beginning on January 15, 2024 and annually thereafter, the Commissioner of Liquor and Lottery shall report to the Secretary of Natural Resources:

(1) the amount and tonnage of liquor bottles that the Department of Liquor and Lottery collected in the previous calendar year; and

(2) the redemption rate for liquor bottles in the previous calendar year.

(b) A retailer or a person operating a redemption center who redeems beverage containers shall be reimbursed by the manufacturer or distributor of such beverage containers in an amount that is three and one-half cents per container for containers of beverage brands that are part of a commingling program and ~~four~~ five cents per container for containers of beverage brands that are not part of a commingling program.

(c) [Repealed.]

(d) ~~Containers shall be redeemed during no fewer than 40 hours per week during the regular operating hours of the establishment.~~ [Repealed.]

§ 1522a. RULES

~~The Secretary may adopt rules, in accordance with 3 V.S.A. chapter 25, necessary for the administration of this chapter. These rules may include the following:~~

~~(1) Provisions to ensure that beverage containers not labeled in accordance with section 1524 of this title are not redeemed.~~

~~(2) Provisions to ensure that beverage containers are commingled.~~

~~(3) Administrative penalties for the failure by a redemption center or retailer to remove beverage containers that are not labeled prior to pickup by a distributor or manufacturer. Penalties may include nonpayment of the deposit and handling fee established under section 1522 of this title for a reasonable period of time and for the number of beverage containers that were not labeled.~~

~~(4) Any other provision that may be necessary for the implementation of this chapter.~~ [Repealed.]

§ 1523. ACCEPTANCE OF BEVERAGE CONTAINERS

(a) Except as provided in section 1522 of this title:

(1) A retailer shall not refuse to accept from any person any empty beverage containers, labeled in accordance with section 1524 of this title, of the kind, size, and brand sold by the retailer, or refuse to pay to that person the refund value of a beverage container as established by section 1522 of this title, except as provided in subsection (b) of this section.

(2) A manufacturer or distributor may not refuse to pick up from a retailer that sells its product or a person operating a certified redemption center any empty beverage containers, labeled in accordance with section 1524 of this title, of the kind, size, and brand sold by the manufacturer or distributor, or

refuse to pay the retailer or a person operating a redemption center the refund value of a beverage container as established by section 1522 of this title.

(b) ~~A retailer, with the prior approval of the Secretary, may refuse to redeem beverage containers if a redemption center or centers are established that serve the public need~~ stewardship plan that meets the requirements of section 1532 of this title has been implemented by the producer responsibility organization in the State and the retailer's building is less than 5,000 square feet.

(c) ~~A retailer or that is not exempt,~~ a person operating a redemption center, ~~or any other point of redemption~~ may only refuse to redeem beverage containers that are not clean, or are broken, and shall not redeem beverage containers that are not labeled in accordance with section 1524 of this title.

§ 1524. LABELING

(a)(1) Every beverage container sold or offered for sale at retail in this State shall clearly indicate by embossing or, imprinting on the normal product label, or ~~in the case of a metal beverage container on the top of the container,~~ other approved method secured to the container the word "Vermont" or the letters "VT" and ~~the refund value of the container~~ one of the following in not less than one-eighth inch type size or such other alternate indications as may be approved by the Secretary:

- (A) the refund value of the container;
- (B) the words "refund value"; or
- (C) the letters "RV".

(2) The label shall be on the top lid of the beverage container, the side of the beverage container, or in a clearly visible location on the beverage container. This subsection does not prohibit including names or abbreviations of other states with deposit legislation comparable to this chapter.

(b) Each beverage container sold or offered for sale in the State that has a deposit pursuant to section 1522 of this title shall include a Universal Product Code and barcode. Each distributor shall provide the Universal Product Code and barcode as part of its beverage registration or within 60 days following March 1, 2025, whichever occurs first.

(c) The Commissioner of Liquor and Lottery may allow, in the case of liquor bottles, a conspicuous, adhesive sticker to be attached to indicate the deposit information required in subsection (a) of this section, provided that the size, placement, and adhesive qualities of the sticker are as approved by the Commissioner. The stickers shall be affixed to the bottles by the manufacturer,

except that liquor that is sold in the State in quantities less than 100 cases per year may have stickers affixed by personnel employed by the Division of Liquor Control.

~~(e) This section shall not apply to permanently labeled beverage containers.~~

(d) The Secretary may allow a manufacturer, a distributor, or a retailer of vinous beverage containers to attach a conspicuous adhesive sticker to the beverage containers to indicate the deposit information required in subsection (a) of this section, provided that the size, placement, and adhesive qualities of the sticker are as approved by the Secretary. If the Secretary allows the use of an adhesive sticker under this subsection, the sticker shall be affixed by the manufacturer, the distributor, or the retailer.

* * *

§ 1527. PENALTY

~~A person who violates a provision of this chapter shall be fined not more than \$1,000.00 for each violation. [Repealed.]~~

* * *

§ 1529. REDEMPTION CENTER CERTIFICATION

A person operating a redemption center may obtain a certification from the Secretary. A redemption center certification shall include the following:

(1) Specification of the name and location of the facility;

~~(2) If the certified redemption center redeems more than 250,000 containers per year, a requirement that the certified redemption center shall participate in an approved commingling agreement; and~~

(3) Additional conditions, requirements, and restrictions as the Secretary may deem necessary to implement the requirements of this chapter. This may include requirements concerning reporting, recording, and inspections of the operation of the site.

* * *

§ 1531. MANUFACTURER PARTICIPATION IN PRODUCER RESPONSIBILITY ORGANIZATION

(a) No manufacturer or distributor may sell or distribute a beverage container in this State without participating in a Secretary-approved producer responsibility organization.

(b) On or before January 1, 2024, manufacturers of beverage containers sold or distributed within the State shall apply to the Secretary to form a

producer responsibility organization to fulfill the requirement of manufacturers under this chapter.

(c) The Secretary may approve, for a period not longer than 10 years, the producer responsibility organization, provided that:

(1) the producer responsibility organization has the capacity to administer the requirements of a stewardship plan required by section 1532 of this title; and

(2) the producer responsibility organization does not create any unreasonable barriers to joining the producer responsibility organization and shall take into the consideration the needs of small manufacturers that do not generate a significant volume of containers.

(d) After approval, the producer responsibility organization shall maintain a website that identifies:

(1) the name and principal business address of each manufacturer participating in the producer responsibility organization; and

(2) the name of each beverage and the container size covered by the stewardship plan.

(e) If the producer responsibility organization fails to implement the requirements of this chapter, the rules adopted by the Secretary, or an approved stewardship plan, the Secretary may dissolve the producer responsibility organization.

(f) If no producer responsibility organization is formed, the Secretary shall either require the formation of the producer responsibility organization or adopt and administer a plan that meets the requirements of section 1532 of this title. If the Secretary administers the plan adopted under section 1532, the Secretary shall charge each manufacturer the costs of plan administration, the Agency's oversight costs, and a recycling market development assessment of 10 percent of the plan's total cost to be deposited in the Solid Waste Management Assistance Account of the Waste Management Assistance Fund, for the purpose of providing grants to develop markets to recycle materials.

(g) The producer responsibility organization shall reimburse the Agency of Natural Resources for all oversight costs in administering this chapter.

(h) Manufacturers and distributors of liquor are exempt from the requirements of this section and the requirement to implement a stewardship plan under section 1532 of this title.

§ 1532. STEWARDSHIP PLAN; MINIMUM REQUIREMENTS

(a) Plan elements. On or before October 1, 2024, an approved producer responsibility organization shall submit a stewardship plan to the Secretary. A stewardship plan shall, at a minimum, meet all of the following requirements of this section:

(1) Convenience of collection. A plan shall ensure that consumers have convenient opportunities to redeem beverage containers. The plan shall take reasonable efforts to site points of redemption equitably across all regions of the State to allow for convenient and reasonable access of all Vermonters to redemption opportunities. A plan shall document how redemption services will be available to consumers as follows:

(A) at least three points of redemption per county that provide an immediate return of a deposit to a consumer unless a waiver is granted by the Secretary;

(B) at least one point of redemption per municipality with a population of 7,000 or more persons that provides an immediate return of a deposit to a consumer unless a waiver is granted by the Secretary; and

(C) how sites of redemption are or will be sited in areas with high population density or located in centers designated under 24 V.S.A. chapter 76A.

(2) Fair operation and compensation to redemption centers. The plan shall satisfy all of the following requirements.

(A) The plan shall describe how all locations that redeem beverage containers are fairly compensated for their participation in the collection program.

(B) There shall not be barriers to the participation in the collection program for a redemption center, except for restrictions that are authorized by the Secretary.

(C) The plan shall describe how management and sorting of containers at redemption centers is minimized. The plan shall document how brand sorting will be eliminated at points of redemption.

(D) The plan shall describe how materials will be picked up from redemption centers on a timely basis.

(E) The plan shall maximize the use of existing infrastructure when establishing points of collection under subdivision (1) of this subsection (a).

(3) Education to consumers. The plan shall describe what education efforts will be undertaken to increase the number of beverage containers redeemed in the State.

(4) Consultation with stakeholders. The producer responsibility organization shall consult with stakeholders on the development of the plan. The plan shall include processes for regular consultation, which shall not be less than annually, with stakeholders including the Agency, redemption centers, municipal and private recycling organizations, and other stakeholders.

(b) Reporting. At a frequency required by the Secretary but not less than annually, the producer responsibility organization shall report the following to the Secretary:

(1) the name, address, and business hours of each redemption center participating in the approved stewardship plan;

(2) the amount, in containers and tons, and material type of beverage containers redeemed under the plan and the redemption rate by the following categories of:

(A) vinous beverage containers; and

(B) all other beverage containers;

(3) the location and amount of beverage container material that was recycled and what products that beverage container material was recycled into;

(4) the carbon impacts associated with the administration of the stewardship plan;

(5) the costs associated with administration of the stewardship plan, including the costs of collection, management, and transportation of redeemed containers and the amount received for commodities;

(6) a description of any improvements made in the reporting year to increase ease and convenience for consumers to return beverage containers for redemption;

(7) efforts taken by or on behalf of the manufacturer or distributor to reduce environmental impacts throughout the product life cycle and to increase reusability or recyclability at the end of the life cycle by material type;

(8) efforts taken by or on behalf of the producer responsibility organization to improve the environmental outcomes of the program by improving operational efficiency, such as reduction of truck trips through improved material handling or compaction or the increased use of refillable containers in a local refilling system;

(9) a description and copies of educational materials and educational strategies the producer uses for the purposes of this program; and

(10) any additional information required by the Secretary.

(c) Secretary of Natural Resources approval. The plan shall be submitted to the Secretary, and, after concluding that the elements of the plan will maximize diversion of recyclable materials, provide convenience to users, and create a more circular economy, the Secretary's approval pursuant to this subsection shall be for a period not greater than five years.

§ 1533. PROGRAM AND FISCAL AUDIT

(a) Program audit. Beginning on March 1, 2030 and every five years thereafter, the producer responsibility organization shall conduct an independent third-party program audit of the operation of the stewardship plan. The audit shall make recommendations to improve the operation of the collection program established by this chapter.

(b) Fiscal audit. Beginning on March 1, 2026 and annually thereafter, the producer responsibility organization shall conduct an independent third-party fiscal audit of the program. The fiscal audit shall provide a transparent fiscal analysis of the producer responsibility organization, its expenditures, the number of beverage containers collected, and the amount of unclaimed deposits. The audit shall also provide the redemption rate of beverage containers redeemed in the State after approval by the Secretary.

(c) Submission to Secretary. The results of each audit required under subsections (a) and (b) of this section shall be submitted to the Secretary for purposes of reviewing performance of the stewardship plan and for oversight of the requirements of this chapter.

§ 1534. BEVERAGE CONTAINER REDEMPTION RATE GOAL;

REPORT

(a) It is a goal of the State that the following minimum beverage container redemption rates shall be satisfied by the specified dates:

- (1) Beginning on July 1, 2026: 75 percent.
- (2) Beginning on July 1, 2030: 80 percent.
- (3) Beginning on July 1, 2035: 85 percent.
- (4) Beginning on July 1, 2040: 90 percent.

(b) Beginning on July 1, 2025 and annually thereafter, the Secretary of Natural Resources shall submit to the Senate Committees on Natural Resources and Energy and on Finance and the House Committees on Environment and Energy and on Ways and Means a written report containing the current beverage container redemption rate in the State for the following three categories of beverage containers:

- (1) liquor bottles;
- (2) vinous beverage containers; and
- (3) all other beverage containers.

(c) Beginning on January 1, 2028, if the Secretary determines that the redemption rate goal established in subsection (a) of this section was not met for one or more of the beverage container categories listed under subsection (b) of this section for two consecutive years, the beverage container deposit for the category shall increase by five cents, provided that the maximum deposit for any beverage container category shall not exceed 20 cents for vinous beverage containers and liquor bottles and shall not exceed 10 cents for every other container. Within one year following the Secretary's determination under this section, manufacturers and distributors shall comply with the labeling requirements of section 1524 of this title before assessing the relevant deposit established under this subsection for the beverage container.

§ 1535. RULEMAKING

The Secretary may adopt rules, in accordance with 3 V.S.A. chapter 25, necessary for the administration of this chapter.

Sec. 2. 10 V.S.A. § 1530(c)(1) is amended to read:

(c)(1) On or before January 1, 2020, and quarterly thereafter, Every quarter, at the time a report is filed pursuant to subsection (d) of this section, each deposit initiator shall remit to the Commissioner of Taxes any 50 percent of the abandoned beverage container deposits from the preceding quarter. The remaining 50 percent of the abandoned beverage container deposits shall be retained by the producer responsibility organization implementing the requirements of this chapter for the deposit initiator. The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that the deposit initiator collected in the quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.

Sec. 3. 10 V.S.A. § 1530(c)(1) is amended to read:

(c)(1) Every quarter, at the time a report is filed pursuant to subsection (d) of this section, each deposit initiator shall remit to the Commissioner of Taxes 50 percent of the any abandoned beverage container deposits from the preceding quarter. The remaining 50 percent of the abandoned beverage container deposits shall be retained by the producer responsibility organization implementing the requirements of this chapter for the deposit initiator. The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that the deposit initiator collected in the

quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.

Sec. 4. 10 V.S.A. § 7714 is amended to read:

§ 7714. TYPE 3 PROCEDURES

(a) Purpose; scope.

(1) The purpose of this section is to establish the public notice and comment requirements that the Department must follow when adopting general permits, except for general permits governed by section 7712 of this chapter, and when considering other permits listed in this section.

(2) The procedures under this section shall be known as Type 3 Procedures. This section governs each of the following:

(A) Each general permit issued pursuant to the Secretary's authority under this title other than a general permit subject to section 7712 of this chapter. However, this section does not apply to a notice of intent under a general permit.

(B) Issuance of a dam safety order under chapter 43 of this title, except for an unsafe dam order under section 1095 of this title.

(C) An application or request for approval of:

(i) an aquatic nuisance control permit under chapter 50 of this title;

(ii) a change in treatment for a public water supply under chapter 56 of this title;

(iii) a collection plan for mercury-containing lamps under section 7156 of this title;

(iv) an individual plan for the collection and recycling of electronic waste under section 7554 of this title; ~~and~~

(v) a primary battery stewardship plan under section 7586 of this title; and

(vi) approval of a stewardship plan required under chapter 53 of this title.

(b) Notice of application. The Secretary shall provide notice of an administratively complete application through the environmental notice bulletin.

(c) Notice of draft decision; comment period. The Secretary shall provide notice of the draft decision through the environmental notice bulletin and shall

post the draft decision to the bulletin. The Secretary shall provide a public comment period.

(d) Public meeting. The Secretary shall hold a public meeting whenever any person files a written request for such a meeting. The Secretary otherwise may hold a public meeting at ~~his or her~~ the Secretary's discretion.

(e) Notice of final decision. The Secretary shall provide notice of the final decision through the environmental notice bulletin and shall post the final decision to the bulletin. The Secretary shall provide a response to comments.

Sec. 5. 10 V.S.A. § 1388 is amended to read:

§ 1388. CLEAN WATER FUND

(a) There is created a special fund to be known as the Clean Water Fund to be administered by the Secretary of Administration. The Fund shall consist of:

(1) revenues from the Property Transfer Tax surcharge established under 32 V.S.A. § 9602a;

(2) other gifts, donations, and impact fees received from any source, public or private, dedicated for deposit into the Fund and approved by the Secretary of Administration;

(3) 50 percent of the unclaimed beverage container deposits (escheats) remitted to the State under chapter 53 of this title;

(4) six percent of the revenues from the meals and rooms taxes imposed under 32 V.S.A. chapter 225; and

(5) other revenues dedicated for deposit into the Fund by the General Assembly.

(b) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7, subchapter 5, unexpended balances and any earnings shall remain in the Fund from year to year.

Sec. 6. 10 V.S.A. § 6618(a) is amended to read:

(a) There is hereby created in the State Treasury a fund to be known as the Waste Management Assistance Fund, to be expended by the Secretary of Natural Resources. The Fund shall have three accounts: one for Solid Waste Management Assistance, one for Hazardous Waste Management Assistance, and one for Electronic Waste Collection and Recycling Assistance. The Hazardous Waste Management Assistance Account shall consist of a percentage of the tax on hazardous waste under the provisions of 32 V.S.A. chapter 237, as established by the Secretary, the toxics use reduction fees under subsection 6628(j) of this title; and appropriations of the General

Assembly. In no event shall the amount of the hazardous waste tax that is deposited to the Hazardous Waste Management Assistance Account exceed 40 percent of the annual tax receipts. The Solid Waste Management Assistance Account shall consist of the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13; 50 percent of the unclaimed beverage container deposits remitted to the State under chapter 53 of this title; and appropriations of the General Assembly. The Electronic Waste Collection and Recycling Account shall consist of the program and implementation fees required under section 7553 of this title. All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain a part of the Fund accounts, except as provided in subsection (e) of this section. Interest earned by the Fund shall be deposited into the appropriate Fund account. Disbursements from the Fund accounts shall be made by the State Treasurer on warrants drawn by the Commissioner of Finance and Management.

Sec. 7. SYSTEMS ANALYSIS OF BEVERAGE CONTAINER SYSTEM

On or before January 15, 2025, the Agency of Natural Resources shall submit to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy a written report on:

(1) an estimate of the total system costs and savings associated with the implementation of the expanded beverage container redemption system under 10 V.S.A. chapter 53, including climate impacts;

(2) an estimate of the impacts of an expanded beverage container redemption system on the recycling system, including how much additional beverage container material will be collected by the expansion of the bottle bill; the operational savings, if any, on material recovery facilities; the loss to material recovery facilities from the removal of bottle bill material from the recycling system; and an estimate of the impacts on tipping fees at each material recovery facility;

(3) an estimate of the costs of operating a redemption center and other alternate points of redemption under a stewardship plan and a recommendation on whether the handling fee should be altered or replaced with an alternative means of compensating points of redemption;

(4) an estimate of the impact on overall recycling in the State and the redemption rates of beverage containers under 10 V.S.A. chapter 53 if the producer responsibility organization (PRO) implementing the stewardship plan under that chapter were authorized to retain 100 percent, 50 percent, or none of the abandoned beverage container deposits, including:

(A) the estimated number of beverage container redemption sites in the State under the PRO's stewardship plan under each option for the PRO's retention of the abandoned beverage container deposits; and

(B) the geographic distribution of beverage container redemption sites across the State under the PRO's stewardship plan under each option for the PRO's retention of the abandoned beverage container deposits.

(5) an estimate of the impact on the Clean Water Fund and State implementation of the State's water quality programs and regulatory requirements if the abandoned beverage container deposits were not deposited into the Clean Water Fund under 10 V.S.A. § 1388.

Sec. 8. REPEAL

10 V.S.A. § 1528 (beverage registration with ANR) and 10 V.S.A. § 1529 (redemption center certification by ANR) are repealed on March 1, 2025.

Sec. 9. IMPLEMENTATION; TRANSITION

(a) In the implementation and enforcement of the requirements of this act, the Secretary of Natural Resources may:

(1) allow beverage containers to be sold or redeemed that do not meet the labeling requirements of 10 V.S.A. § 1524;

(2) determine whether a beverage or container is subject to the requirements of 10 V.S.A. chapter 53 due to the nature of the beverage or the composition or size of the container; and

(3) exercise discretion in the administration and enforcement of the requirements of 10 V.S.A. chapter 53 for categories or types of beverages or beverage containers.

(b) This section shall be repealed on March 1, 2028.

Sec. 10. BOTTLE BILL RECYCLING AND MATERIALS REPORTING

A manufacturer or distributor collecting beverage containers subject to 10 V.S.A chapter 53 shall report recycling information to the Secretary of Natural Resources in the same manner as recycled materials are reported to the Secretary under 10 V.S.A. chapter 159. The information shall include:

(1) the amount in containers and tons and material type of beverage container collected; and

(2) the location and amount of beverage container material and what products the beverage containers were recycled into.

Sec. 11. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that:

(1) in Sec. 1, 10 V.S.A. § 1521(1) (expansion of the definition of beverage types) and 10 V.S.A. § 1522(a)(deposit for vinous beverages) shall take effect on January 1, 2027;

(2) in Sec. 1, 10 V.S.A. § 1524(b) (requiring a UPC label on containers) shall take effect on March 1, 2025;

(3) in Sec. 1, 10 V.S.A. § 1531(a) (prohibiting the sale or distribution without participating in the producer responsibility organization) shall take effect on March 1, 2025;

(4) Sec. 2 (remittance of abandoned beverage container deposits) shall take effect on January 1, 2026;

(5) Sec. 3. (repeal of remittance of beverage container deposit) shall take effect on July 1, 2031;

(6) Sec. 5 (changing the amount of funds deposited in the Clean Water Fund) shall take effect on July 1, 2031; and

(7) Sec. 6 (Waste Management Assistance Fund) shall take effect on July 1, 2031.

(Committee Vote: 10-1-0)

Favorable

H.R. 6

House resolution updating House Rules

Rep. Bartholomew of Hartland, for the Committee on Rules, recommends the resolution ought to be adopted.

(For text see House Journal February 22, 2023)

(Committee Vote: 7-0-0)

Committee of Conference Report

H. 145

An act relating to fiscal year 2023 budget adjustments.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House Bill entitled:

H. 145. An act relating to fiscal year 2023 budget adjustments.

Respectfully reports that it has met and considered the same and recommends that the Senate recede from its proposal of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2022 Acts and Resolves No. 185, Sec. B.105 is amended to read:

Sec. B.105 Agency of digital services - communications and information technology

Personal services	99,364,395	82,655,019
Operating expenses	<u>34,833,539</u>	<u>34,833,539</u>
Total	134,197,934	117,488,558
Source of funds		
General fund	179,572	179,572
Special funds	17,159,341	449,965
Internal service funds	<u>116,859,021</u>	<u>116,859,021</u>
Total	134,197,934	117,488,558

Sec. 1a. 2022 Acts and Resolves No. 185, Sec. B.133 is amended to read:

Sec. B.133 Vermont state retirement system

Personal services		180,911
Operating expenses	1,399,555	<u>2,276,023</u>
Total	1,580,466	<u>2,456,934</u>
Source of funds		
Pension trust funds	1,580,466	<u>2,456,934</u>
Total	1,580,466	<u>2,456,934</u>

Sec. 1b. 2022 Acts and Resolves No. 185, Sec. B.134 is amended to read:

Sec. B.134 Municipal employees' retirement system

Personal services		198,399
Operating expenses	890,207	<u>1,221,607</u>
Total	1,088,606	<u>1,420,006</u>
Source of funds		
Pension trust funds	1,088,606	<u>1,420,006</u>
Total	1,088,606	<u>1,420,006</u>

Sec. 2. 2022 Acts and Resolves No. 185, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds		
General fund	104,811,247	104,811,247
Transportation fund	4,059,343	4,059,343

Special funds	35,893,006	19,183,630
Federal funds	1,308,858	1,308,858
Internal service funds	178,033,418	178,033,418
Interdepartmental transfers	4,447,671	4,447,671
Enterprise funds	6,979	6,979
Pension trust funds	<u>2,669,072</u>	<u>3,876,940</u>
Private purpose trust funds	<u>1,156,575</u>	<u>1,156,575</u>
Total	<u>332,386,169</u>	<u>316,884,661</u>

Sec. 3. 2022 Acts and Resolves No. 185, Sec. B.209 is amended to read:

Sec. B.209 Public safety - state police

Personal services	62,598,426	62,396,849
Operating expenses	12,660,950	12,660,950
Grants	<u>1,467,153</u>	<u>1,467,153</u>
Total	<u>76,726,529</u>	<u>76,524,952</u>
Source of funds		
General fund	46,676,421	46,474,844
Transportation fund	20,250,000	20,250,000
Special funds	3,116,711	3,116,711
Federal funds	4,820,645	4,820,645
Interdepartmental transfers	<u>1,862,752</u>	<u>1,862,752</u>
Total	<u>76,726,529</u>	<u>76,524,952</u>

Sec. 4. 2022 Acts and Resolves No. 185, Sec. B.225 is amended to read:

Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship

Personal services	2,830,318	2,830,318
Operating expenses	950,906	950,906
Grants	<u>545,334</u>	<u>295,334</u>
Total	<u>4,326,558</u>	<u>4,076,558</u>
Source of funds		
General fund	1,191,645	941,645
Special funds	2,325,153	2,325,153
Federal funds	472,695	472,695
Interdepartmental transfers	<u>337,065</u>	<u>337,065</u>
Total	<u>4,326,558</u>	<u>4,076,558</u>

Sec. 5. 2022 Acts and Resolves No. 185, Sec. B.225.2 is amended to read:

Sec. B.225.2 Agriculture, Food and Markets - Clean Water

Personal services	3,351,394	3,351,394
Operating expenses	518,202	518,202

Grants	<u>5,253,111</u>	<u>5,503,111</u>
Total	<u>9,122,707</u>	<u>9,372,707</u>
Source of funds		
General fund	<u>1,100,802</u>	<u>1,350,802</u>
Special funds	<u>7,266,122</u>	<u>7,266,122</u>
Federal funds	<u>441,907</u>	<u>441,907</u>
Interdepartmental transfers	<u>313,876</u>	<u>313,876</u>
Total	<u>9,122,707</u>	<u>9,372,707</u>

Sec. 6. 2022 Acts and Resolves No. 185, Sec. B.240 is amended to read:

Sec. B.240 Cannabis Control Board

Personal services	<u>3,211,914</u>	<u>3,497,225</u>
Operating expenses	<u>278,608</u>	<u>1,383,608</u>
Total	<u>3,490,522</u>	<u>4,880,833</u>
Source of funds		
Special funds	<u>3,490,522</u>	<u>4,880,833</u>
Total	<u>3,490,522</u>	<u>4,880,833</u>

Sec. 7. 2022 Acts and Resolves No. 185, Sec. B.241 is amended to read:

Sec. B.241 Total protection to persons and property

Source of funds		
General fund	<u>187,158,391</u>	<u>186,956,814</u>
Transportation fund	<u>20,250,000</u>	<u>20,250,000</u>
Special funds	<u>98,238,728</u>	<u>99,629,039</u>
Tobacco fund	<u>561,843</u>	<u>561,843</u>
Federal funds	<u>127,115,612</u>	<u>127,115,612</u>
ARRA funds	<u>510,535</u>	<u>510,535</u>
Interdepartmental transfers	<u>12,413,144</u>	<u>12,413,144</u>
Enterprise funds	<u>13,619,207</u>	<u>13,619,207</u>
Total	<u>459,867,460</u>	<u>461,056,194</u>

Sec. 8. 2022 Acts and Resolves No. 185, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	<u>12,307,314</u>	<u>14,990,385</u>
Operating expenses	<u>5,340,825</u>	<u>5,356,835</u>
Grants	<u>2,895,202</u>	<u>3,160,202</u>
Total	<u>20,543,341</u>	<u>23,507,422</u>
Source of funds		
General fund	<u>9,056,662</u>	<u>12,020,743</u>
Special funds	<u>135,517</u>	<u>135,517</u>
Federal funds	<u>10,569,851</u>	<u>10,569,851</u>

Interdepartmental transfers	<u>781,311</u>	<u>781,311</u>
Total	20,543,341	23,507,422

Sec. 9. 2022 Acts and Resolves No. 185, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Grants	<u>1,835,603,282</u>	<u>1,934,679,638</u>
Total	<u>1,835,603,282</u>	<u>1,934,679,638</u>
Source of funds		
General fund	608,430,925	515,071,925
Special funds	33,384,536	29,121,769
Tobacco fund	21,049,373	21,049,373
State health care resources fund	17,078,501	25,102,272
Federal funds	1,151,625,777	1,340,818,340
Interdepartmental transfers	<u>4,034,170</u>	<u>3,515,959</u>
Total	<u>1,835,603,282</u>	<u>1,934,679,638</u>

Sec. 10. 2022 Acts and Resolves No. 185, Sec. B.304 is amended to read:

Sec. B.304 Human services board

Personal services	766,312	619,083
Operating expenses	<u>89,396</u>	<u>89,396</u>
Total	855,708	708,479
Source of funds		
General fund	490,779	343,550
Federal funds	<u>364,929</u>	<u>364,929</u>
Total	855,708	708,479

Sec. 11. 2022 Acts and Resolves No. 185, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	133,258,216	133,258,216
Operating expenses	27,050,784	27,115,536
Grants	<u>2,912,301</u>	<u>8,712,301</u>
Total	163,221,301	169,086,053
Source of funds		
General fund	34,666,169	38,830,921
Special funds	4,738,197	4,738,197
Federal funds	114,997,590	116,697,590
Global Commitment fund	3,986,316	3,986,316
Interdepartmental transfers	<u>4,833,029</u>	<u>4,833,029</u>
Total	163,221,301	169,086,053

Sec. 12. 2022 Acts and Resolves No. 185, Sec. B.307 is amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program -
global commitment

Personal services	547,983	547,983
Grants	<u>837,108,046</u>	<u>965,640,677</u>
Total	<u>837,656,029</u>	<u>966,188,660</u>
Source of funds		
Global Commitment fund	<u>837,656,029</u>	<u>966,188,660</u>
Total	<u>837,656,029</u>	<u>966,188,660</u>

Sec. 13. 2022 Acts and Resolves No. 185, Sec. B.309 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program -
state only

Grants	<u>54,104,191</u>	<u>49,357,135</u>
Total	<u>54,104,191</u>	<u>49,357,135</u>
Source of funds		
General fund	44,533,864	49,352,443
Global Commitment fund	<u>9,570,327</u>	<u>4,692</u>
Total	<u>54,104,191</u>	<u>49,357,135</u>

Sec. 14. 2022 Acts and Resolves No. 185, Sec. B.310 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver
matched

Grants	<u>35,125,592</u>	<u>35,226,509</u>
Total	<u>35,125,592</u>	<u>35,226,509</u>
Source of funds		
General fund	12,736,699	12,342,078
Federal funds	<u>22,388,893</u>	<u>22,884,431</u>
Total	<u>35,125,592</u>	<u>35,226,509</u>

Sec. 15. 2022 Acts and Resolves No. 185, Sec. B.311 is amended to read:

Sec. B.311 Health - administration and support

Personal services	7,880,051	7,232,181
Operating expenses	7,161,896	8,283,741
Grants	<u>15,416,408</u>	<u>15,416,408</u>
Total	<u>30,458,355</u>	<u>30,932,330</u>
Source of funds		
General fund	3,120,538	3,594,513
Special funds	2,123,150	2,123,150
Federal funds	19,371,027	19,371,027
Global Commitment fund	5,779,334	5,779,334

Interdepartmental transfers	<u>64,306</u>	<u>64,306</u>
Total	30,458,355	30,932,330

Sec. 16. 2022 Acts and Resolves No. 185, Sec. B.312 is amended to read:

Sec. B.312 Health - public health

Personal services	58,557,637	59,756,793
Operating expenses	10,504,324	10,504,324
Grants	<u>45,237,061</u>	<u>45,237,061</u>
Total	114,299,022	115,498,178
Source of funds		
General fund	12,217,471	13,416,627
Special funds	22,422,908	22,422,908
Tobacco fund	1,088,918	1,088,918
Federal funds	61,398,428	61,398,428
Global Commitment fund	16,159,672	16,159,672
Interdepartmental transfers	986,625	986,625
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	114,299,022	115,498,178

Sec. 17. 2022 Acts and Resolves No. 185, Sec. B.313 is amended to read:

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	5,533,379	4,982,093
Operating expenses	511,500	511,500
Grants	<u>55,582,806</u>	<u>55,595,616</u>
Total	61,627,685	61,089,209
Source of funds		
General fund	4,706,142	4,167,666
Special funds	1,392,101	1,392,101
Tobacco fund	949,917	949,917
Federal funds	21,131,903	21,131,903
Global Commitment fund	<u>33,447,622</u>	<u>33,447,622</u>
Total	61,627,685	61,089,209

Sec. 18. 2022 Acts and Resolves No. 185, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	37,550,464	45,679,048
Operating expenses	5,023,808	5,406,921
Grants	<u>251,958,650</u>	<u>252,383,242</u>
Total	294,532,922	303,469,211
Source of funds		
General fund	12,966,387	23,720,891

Special funds	1,690,187	1,690,187
Federal funds	10,279,911	10,279,911
Global Commitment fund	269,471,344	267,653,129
Interdepartmental transfers	<u>125,093</u>	<u>125,093</u>
Total	294,532,922	303,469,211

Sec. 19. 2022 Acts and Resolves No. 185, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support services

Personal services	41,932,610	41,930,824
Operating expenses	17,284,575	23,063,394
Grants	<u>3,819,106</u>	<u>3,415,106</u>
Total	63,036,291	68,409,324
Source of funds		
General fund	36,020,845	36,525,221
Special funds	2,789,842	2,788,056
Federal funds	22,463,191	27,083,191
Global Commitment fund	1,409,481	1,659,924
Interdepartmental transfers	<u>352,932</u>	<u>352,932</u>
Total	63,036,291	68,409,324

Sec. 20. 2022 Acts and Resolves No. 185, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	41,455,253	41,755,292
Operating expenses	5,392,584	5,392,584
Grants	<u>88,864,318</u>	<u>89,022,405</u>
Total	135,712,155	136,170,281
Source of funds		
General fund	56,028,109	66,085,811
Special funds	729,587	729,587
Federal funds	32,206,285	32,206,285
Global Commitment fund	46,710,437	37,110,861
Interdepartmental transfers	<u>37,737</u>	<u>37,737</u>
Total	135,712,155	136,170,281

Sec. 21. 2022 Acts and Resolves No. 185, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	5,486,947	5,487,235
Operating expenses	860,622	860,581
Grants	<u>106,205,300</u>	<u>100,677,216</u>
Total	112,552,869	107,025,032

Source of funds		
General fund	33,130,398	27,602,602
Special funds	16,820,011	16,820,011
Federal funds	50,457,478	50,457,478
Global Commitment fund	12,144,941	12,144,941
Interdepartmental transfers	<u>41</u>	<u>0</u>
Total	112,552,869	107,025,032

Sec. 22. 2022 Acts and Resolves No. 185, Sec. B.320 is amended to read:

Sec. B.320 Department for children and families - aid to aged, blind and disabled

Personal services	2,252,206	2,252,206
Grants	<u>10,431,118</u>	<u>9,624,177</u>
Total	12,683,324	11,876,383
Source of funds		
General fund	7,533,333	6,726,392
Global Commitment fund	<u>5,149,991</u>	<u>5,149,991</u>
Total	12,683,324	11,876,383

Sec. 23. 2022 Acts and Resolves No. 185, Sec. B.321 is amended to read:

Sec. B.321 Department for children and families - general assistance

Personal services	15,000	15,000
Grants	<u>2,823,574</u>	<u>2,147,995</u>
Total	2,838,574	2,162,995
Source of funds		
General fund	2,541,239	1,865,660
Federal funds	11,320	11,320
Global Commitment fund	<u>286,015</u>	<u>286,015</u>
Total	2,838,574	2,162,995

Sec. 24. 2022 Acts and Resolves No. 185, Sec. B.323 is amended to read:

Sec. B.323 Department for children and families - reach up

Operating expenses	30,633	30,633
Grants	<u>27,235,606</u>	<u>37,028,703</u>
Total	27,266,239	37,059,336
Source of funds		
General fund	15,097,457	24,581,158
Special funds	5,955,834	5,955,834
Federal funds	3,531,330	3,531,330
Global Commitment fund	<u>2,681,618</u>	<u>2,991,014</u>
Total	27,266,239	37,059,336

Sec. 25. 2022 Acts and Resolves No. 185, Sec. B.325 is amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	707,738	707,738
Operating expenses	80,979	80,979
Grants	<u>19,896,892</u>	<u>19,096,328</u>
Total	20,685,609	19,885,045
Source of funds		
General fund	14,328,930	13,528,366
Special funds	58,135	58,135
Federal funds	4,942,559	4,942,559
Global Commitment fund	<u>1,355,985</u>	<u>1,355,985</u>
Total	20,685,609	19,885,045

Sec. 26. 2022 Acts and Resolves No. 185, Sec. B.326 is amended to read:

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	376,286	376,286
Operating expenses	47,090	247,090
Grants	<u>12,038,018</u>	<u>11,838,018</u>
Total	12,461,394	12,461,394
Source of funds		
Special funds	7,643,920	7,643,920
Federal funds	<u>4,817,474</u>	<u>4,817,474</u>
Total	12,461,394	12,461,394

Sec. 27. [DELETED]

Sec. 28. 2022 Acts and Resolves No. 185, Sec. B.329 is amended to read:

Sec. B.329 Disabilities, aging, and independent living - administration & support

Personal services	37,398,355	38,484,107
Operating expenses	<u>6,178,888</u>	<u>6,214,683</u>
Total	43,577,243	44,698,790
Source of funds		
General fund	19,725,270	20,846,817
Special funds	1,390,457	1,390,457
Federal funds	21,360,232	21,360,232
Global Commitment fund	35,000	35,000
Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total	43,577,243	44,698,790

Sec. 29. 2022 Acts and Resolves No. 185, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>19,709,925</u>	<u>20,278,107</u>
Total	19,709,925	20,278,107
Source of funds		
General fund	7,754,865	7,754,865
Federal funds	7,148,466	7,148,466
Global Commitment fund	<u>4,806,594</u>	<u>5,374,776</u>
Total	19,709,925	20,278,107

Sec. 30. 2022 Acts and Resolves No. 185, Sec. B.333 is amended to read:

Sec. B.333 Disabilities, aging, and independent living - developmental services

Grants	<u>282,169,830</u>	<u>284,711,348</u>
Total	282,169,830	284,711,348
Source of funds		
General fund	155,125	555,125
Special funds	15,463	15,463
Federal funds	359,857	359,857
Global Commitment fund	281,589,385	283,730,903
Interdepartmental transfers	<u>50,000</u>	<u>50,000</u>
Total	282,169,830	284,711,348

Sec. 31. 2022 Acts and Resolves No. 185, Sec. B.334 is amended to read:

Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver

Grants	<u>6,163,669</u>	<u>6,620,179</u>
Total	6,163,669	6,620,179
Source of funds		
Global Commitment fund	<u>6,163,669</u>	<u>6,620,179</u>
Total	6,163,669	6,620,179

Sec. 32. 2022 Acts and Resolves No. 185, Sec. B.334.1 is amended to read:

Sec. B.334.1 Disabilities, aging and independent living - Long Term Care

Grants	<u>247,242,665</u>	<u>269,943,753</u>
Total	247,242,665	269,943,753
Source of funds		
General fund	498,579	1,598,579
Federal funds	2,083,333	2,083,333

Global Commitment fund	<u>244,660,753</u>	<u>266,261,841</u>
Total	<u>247,242,665</u>	<u>269,943,753</u>

Sec. 33. 2022 Acts and Resolves No. 185, Sec. B.338 is amended to read:

Sec. B.338 Corrections - correctional services

Personal services	124,883,844	129,447,504
Operating expenses	<u>24,337,405</u>	<u>24,571,221</u>
Total	<u>149,221,249</u>	<u>154,018,725</u>
Source of funds		
General fund	<u>144,682,340</u>	<u>149,264,201</u>
Special funds	935,963	935,963
Federal funds	460,376	675,991
Global Commitment fund	2,746,255	2,746,255
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	<u>149,221,249</u>	<u>154,018,725</u>

Sec. 34. 2022 Acts and Resolves No. 185, Sec. B.338.1 is amended to read:

Sec. B.338.1 Corrections - Justice Reinvestment II

<u>Personal services</u>	0	160,140
Grants	<u>9,868,567</u>	<u>12,467,844</u>
Total	<u>9,868,567</u>	<u>12,627,984</u>
Source of funds		
General fund	<u>7,290,879</u>	<u>10,050,296</u>
Federal funds	13,147	13,147
Global Commitment fund	<u>2,564,541</u>	<u>2,564,541</u>
Total	<u>9,868,567</u>	<u>12,627,984</u>

Sec. 35. [DELETED].

Sec. 36. 2022 Acts and Resolves No. 185, Sec. B.342 is amended to read:

Sec. B.342 Vermont veterans' home - care and support services

Personal services	18,693,897	23,557,937
Operating expenses	<u>4,698,211</u>	<u>5,719,013</u>
Total	<u>23,392,108</u>	<u>29,276,950</u>
Source of funds		
General fund	4,068,733	5,655,522
Special funds	11,892,624	16,190,677
Federal funds	<u>7,430,751</u>	<u>7,430,751</u>
Total	<u>23,392,108</u>	<u>29,276,950</u>

Sec. 37. 2022 Acts and Resolves No. 185, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds		
General fund	1,118,252,689	1,071,972,923
Special funds	122,249,086	122,282,586
Tobacco fund	23,088,208	23,088,208
State health care resources fund	17,078,501	25,102,272
Federal funds	1,651,894,729	1,848,118,445
Global Commitment fund	1,788,710,309	1,921,586,651
Internal service funds	1,699,065	1,699,065
Interdepartmental transfers	28,014,227	27,495,975
Permanent trust funds	25,000	25,000
Total	4,751,011,814	5,041,371,125

Sec. 38. 2022 Acts and Resolves No. 185, Sec. B.505 is amended to read:

Sec. B.505 Education - adjusted education payment

Grants	1,561,661,000	<u>1,577,649,173</u>
Total	1,561,661,000	<u>1,577,649,173</u>
Source of funds		
Education fund	1,561,661,000	<u>1,577,649,173</u>
Total	1,561,661,000	<u>1,577,649,173</u>

Sec. 39. 2022 Acts and Resolves No. 185, Sec. B.514 is amended to read:

Sec. B.514 State teachers' retirement system

Grants	187,273,782	<u>188,073,782</u>
Total	187,273,782	<u>188,073,782</u>
Source of funds		
General fund	154,345,678	154,645,678
Education fund	32,928,104	<u>33,428,104</u>
Total	187,273,782	<u>188,073,782</u>

Sec. 39a. 2022 Acts and Resolves No. 185, Sec. B.514.1 is amended to read:

Sec. B.514.1 State teachers' retirement system administration

Personal services		236,503
Operating expenses	1,609,560	<u>2,538,377</u>
Total	1,846,063	<u>2,774,880</u>
Source of funds		
Pension trust funds	1,846,063	<u>2,774,880</u>
Total	1,846,063	<u>2,774,880</u>

Sec. 40. 2022 Acts and Resolves No. 185, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds		
General fund	204,865,262	<u>205,165,262</u>
Special funds	19,450,491	19,450,491
Tobacco fund	750,388	750,388
Education fund	1,900,680,013	<u>1,917,168,186</u>
Federal funds	512,572,265	512,572,265
Global Commitment fund	260,000	260,000
Interdepartmental transfers	365,324	365,324
Pension trust funds	<u>2,774,880</u>	<u>2,774,880</u>
Total	<u>2,640,789,806</u>	<u>2,658,506,796</u>

Sec. 41. 2022 Acts and Resolves No. 185, Sec. B.802 is amended to read:

Sec. B.802 Housing and community development

Personal services	5,321,306	5,321,306
Operating expenses	673,807	673,807
Grants	<u>76,513,512</u>	<u>77,056,152</u>
Total	82,508,625	83,051,265
Source of funds		
General fund	4,065,708	4,065,708
Special funds	7,204,966	7,747,606
Federal funds	68,364,457	68,364,457
Interdepartmental transfers	<u>2,873,494</u>	<u>2,873,494</u>
Total	82,508,625	83,051,265

Sec. 42. 2022 Acts and Resolves No. 185, Sec. B.813 is amended to read:

Sec. B.813 Total commerce and community development

Source of funds		
General fund	18,279,159	18,279,159
Special funds	32,584,165	33,126,805
Federal funds	160,118,217	160,118,217
Interdepartmental transfers	<u>5,532,656</u>	<u>5,532,656</u>
Total	216,514,197	217,056,837

Sec. 43. 2022 Acts and Resolves No. 185, Sec. B.903 is amended to read:

Sec. B.903 Transportation - program development

Personal services	67,084,877	67,084,877
Operating expenses	317,718,748	317,718,748
Grants	<u>28,106,566</u>	<u>28,106,566</u>
Total	412,910,191	412,910,191

Source of funds		
Transportation fund	63,006,826	59,806,826
TIB fund	16,199,908	19,399,908
Federal funds	330,355,267	330,355,267
Interdepartmental transfers	75,000	75,000
Local match	<u>3,273,190</u>	<u>3,273,190</u>
Total	412,910,191	412,910,191

Sec. 44. 2022 Acts and Resolves No. 185, Sec. B.907 is amended to read:

Sec. B.907 Transportation - rail

Personal services	4,662,380	4,662,380
Operating expenses	30,650,803	30,650,803
Grants	<u>50,000</u>	<u>50,000</u>
Total	35,363,183	35,363,183

Source of funds

Transportation fund	14,201,368	10,701,368
Federal funds	18,015,401	21,515,401
Interdepartmental transfers	2,985,206	2,985,206
Local match	<u>161,208</u>	<u>161,208</u>
Total	35,363,183	35,363,183

Sec. 44a. 2022 Acts and Resolves No. 185, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds

Transportation fund	298,509,742	291,809,742
TIB fund	19,802,363	23,002,363
Special funds	4,367,498	4,367,498
Federal funds	438,299,601	441,799,601
Internal service funds	22,754,095	22,754,095
Interdepartmental transfers	3,597,177	3,597,177
Local match	<u>4,585,799</u>	<u>4,585,799</u>
Total	791,916,275	791,916,275

Sec. 45. 2022 Acts and Resolves No. 185, Sec. B.1100 is amended to read:

Sec. B.1100 FISCAL YEAR 2023 ONE-TIME GENERAL FUND
APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the General Fund for new and ongoing initiatives as follows:

* * *

(18) ~~\$1,500,000~~ \$3,600,000 to the Department of Disabilities, Aging, and Independent Living (DAIL) to be used for grants to adult day service providers ~~to support operating costs and program infrastructure as specified in subdivisions (A) and (B) of this subdivision.~~

(A) ~~The funds \$1,500,000~~ shall be allocated on an equitable basis per a methodology developed by DAIL. On or before the first day of each quarter of fiscal year 2023 (July 1, 2022, October 1, 2022, January 1, 2023, and April 1, 2023), the Vermont Association of Adult Day Services shall provide a spreadsheet to the Department detailing quarterly expenditures versus the annual budget. DAIL shall work with community partners to seek organizations interested in opening an adult day center in the underserved regions where adult day centers closed during the COVID-19 pandemic. Up to \$50,000 of these funds may be used to support the start-up costs of a new adult day center. Any amount of this appropriation remaining at the end of fiscal year 2023 shall be carried forward and shall be used to support operating costs, and program infrastructure.

(B) \$2,100,000 shall be granted to existing adult day service providers to maintain the existing program infrastructure through fiscal year 2023. The Department shall request that the Vermont Association of Adult Day Services provide a spreadsheet to the Department detailing the amount of grants to be distributed to each adult day program for the remainder of fiscal year 2023.

* * *

(24) \$3,000,000 to the Secretary of Administration to provide funding for municipal technical assistance and related services.

(25) \$3,345,000 to the Secretary of Administration to be used as the 10 percent State match required for FEMA COVID funds starting on July 1, 2022.

(26) \$1,734,000 to the Agency of Digital Services to be used as State match for a U.S. Geological Survey (USGS) Light Detection and Ranging (LIDAR) grant.

(27) \$1,115,000 to the Military Department to be used as State match for the federal Facilities Sustainment, Restoration and Modernization (SRM) funds eligible for receipt in federal fiscal year 2023.

(28) \$30,000,000 to the Public Service Department for the Vermont Community Broadband Board to be used to leverage federal dollars and programs, including the National Telecommunications and Information Administration (NTIA) broadband grant (Middle Mile), to reduce the overall

cost of universal broadband access as described in 2021 Acts and Resolves No. 71.

(29) \$350,000 to the State Refugee Office, located within the Agency of Human Services Central Office, to implement Employment Assistance Grants for New Americans. Funds remaining at the end of fiscal year 2025 shall revert to the General Fund.

(30) \$3,000,000 to the Department for Children and Families Office of Economic Opportunity for the CARES Housing Voucher Program.

(31) \$5,000,000 to the Department of Housing and Community Development as additional support for the Vermont Housing Improvement Program (VHIP).

(32) \$350,000 is appropriated to the Agency of Commerce and Community Development in fiscal year 2023 to provide State match for the Northeast Kingdom Build to Scale proposal to be submitted to the U.S. Economic Development Administration for federal funding.

(33) \$18,778,775 to the Department for Children and Families to provide funding for the General Assistance Emergency Housing Program as specified in this subsection as follows:

(A) \$13,778,775 of these funds are for the purpose of providing temporary housing to vulnerable households as defined in this subdivision from April 1, 2023 through June 30, 2023. These funds are in addition any additional expenditures for emergency housing funded through 2022 Acts and Resolves No. 185, § C.102. During this period, eligible households that seek emergency housing shall receive it, regardless of the number of nights previously received or adverse weather conditions. The Department shall use the income and resource eligibility criteria in effect as of June 2021. A household is eligible if it meets one or more of the following:

(i) a household that lost its housing due to a natural disaster, such as a flood, fire, or hurricane;

(ii)(I) a household that has a member who has experienced domestic violence, dating violence, sexual assault, stalking, or human trafficking; or

(II) a household that has a member who has experienced a dangerous or life-threatening incident related to violence against the member that either occurred within the member's home or caused the member to reasonably believe that the member was at risk of further harm if the member remained in the home;

(iii) a household with a child or children who are either under 18 years of age or who are 18 or 19 years of age and attending secondary school on full-time basis or an equivalent level of vocational or technical training;

(iv) a household that has a member who is 60 years of age or older;

(v) a household that has a member who receives SSI or SSDI;

(vi) a household that has a member who is pregnant;

(vii) a household that is pursuing legal resolution of violations of the Rental Housing Health Code through the Department of Health or appropriate local officials; or

(viii) a household that has been physically barred from entering their residence through an intentional act of the landlord.

(B) \$5,000,000 of these funds are for the purpose of providing emergency housing from March 16, 2023 through May 31, 2023 for other households that are not eligible pursuant the criteria in subdivision (A) of this subdivision, but would be eligible for General Assistance emergency housing under the Adverse Weather Conditions policy in effect on January 15, 2023.

(34) \$952,000 to the Department of Mental Health to be granted to the Howard Center to purchase properties located at 71, 73, and 77 Park Street in Rutland, Vermont.

(A) Prior to granting funds greater than an amount required for a refundable purchase deposit, the Commissioners of Mental Health and for Children and Families, with the assistance of the Secretary of Human Services and Commissioner of Buildings and General Services, shall review the accuracy and comprehensiveness of the financial analysis of the Howard Center proposal to purchase these properties for the continued use as a community-based residential and educational program for adolescent males with sexually harming behaviors. The review should include comparative ongoing operational and additional capital investment costs at this site with reasonable alternative relocation rental or purchase options. A status update on this review and appropriation shall be provided to the General Assembly by the Commissioners of Mental Health and for Children and Families on or before April 1, 2023.

(B) An accounting of the respective State and Howard Center shares of investment in this property shall be maintained in order to refund to the State an appropriate share of any net proceeds resulting from future divestiture of the property.

(35) \$1,550,000 to the Judiciary as follows:

(A) \$750,000 for internal network cabling upgrade.

(B) \$500,000 for courthouses sound system replacement.

(C) \$300,000 for correctional facilities remote hearings improvement.

(36) \$27,500,000 to the Vermont Housing Conservation Board (VHCB):

(A) \$2,500,000 of this funding shall be allocated to provide support and enhance capacity for emergency shelter for those experiencing homelessness. Allocations for emergency shelter for those experiencing homelessness shall be made in consultation with the Secretary of Human Services.

(B) \$25,000,000 is to provide support and enhance capacity for the production and preservation of affordable mixed-income rental housing and homeownership units; including but not limited to improvements to manufactured homes and communities, shelter, and permanent homes for those experiencing homelessness, recovery residences, and housing available to farm workers and refugees.

(37) \$1,200,000 to the Department for Children and Families for a grant to the Lund Center for its Residential Treatment program.

(38) \$30,000 to the Department of Health for a grant to the American Heart Association for CPR and First Aid Training kits to facilitate training in schools.

(39) \$100,000 to the Office of the State Treasurer for a study and report on Other Postemployment Benefits; Governance Structure.

(40) \$4,626,506 to the Department for Children and Families for a temporary secure youth residential facility. The Department shall provide an update to the House Committees on Appropriations, on Corrections and Institutions, and on Human Services and to the Senate Committees on Appropriations, on Judiciary, and on Health and Welfare on the status of the facility, including site location, time frame, design, and budget on or before April 15, 2023.

Sec. 46. 2022 Acts and Resolves No. 185, Sec. B.1101 is added to read:

Sec. B.1101 FISCAL YEAR 2023 ONE-TIME ENVIRONMENTAL
CONTINGENCY FUND APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the Environmental Contingency Fund (21275) for new and ongoing initiatives as follows:

(1) \$3,000,000 to the Department of Environmental Conservation for PFAS remediation.

Sec. 47. 2022 Acts and Resolves No. 185, Sec. B.1102 is added to read:

Sec. B.1102 FISCAL YEAR 2023 ONE-TIME TECHNOLOGY
MODERNIZATION SPECIAL FUND APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the Technology Modernization Special Fund (21951) for new and ongoing initiatives as follows:

(1) \$40,010,000 to the Agency of Digital Services to be used as follows:

(A) \$11,800,000 for Enterprise Resource Planning (ERP) system upgrade of core statewide financial accounting system and integration with the Department of Labor and Agency of Transportation financial systems;

(B) \$1,800,000 for continued implementation of the Workplace Information Management System for property management at the Department of Buildings and General Services;

(C) \$960,000 for the Fire Safety System Modernization to replace the current technology with a modern platform to improve records management and public interaction functionalities related to permitting and licensing;

(D) \$2,200,000 for a case management system at the Office of the Attorney General;

(E) \$20,250,000 for the Department of Motor Vehicles (DMV) Core System Modernization Phase II; and

(F) \$3,000,000 for the Department of Labor Unemployment Insurance Modernization project.

Sec. 48. 2022 Acts and Resolves No. 185, Sec. D.101 is amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

* * *

(8) From the General Fund to the Emergency Relief and Assistance Fund (21555): \$2,100,000.

(9) From the General Fund to the Environmental Contingency Fund (21275): \$3,000,000.

(10) From the General Fund to the Cannabis Regulation Fund (21998): \$1,390,311.

(11) From the Transportation Infrastructure Bond Debt Service Fund to the Transportation Infrastructure Bond Fund (20191): \$721,240.62.

(b) Notwithstanding any provision of law to the contrary, in fiscal year 2023:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

<u>21220</u> <u>Mental Health Risk Pool</u>	<u>\$449.17</u>
<u>21910</u> <u>Counselor Regulatory Fee Fund</u>	<u>\$2,125.00</u>
<u>21945</u> <u>DOC - Corrections Donations</u>	<u>\$4.52</u>
22005 AHS Central Office earned federal receipts	\$4,641,960
50300 Liquor Control Fund	\$20,400,000
Caledonia Fair	\$5,000
North Country Hospital Loan	\$24,047
Springfield Hospital promissory note repayment	\$121,416
<u>50400</u> <u>Vermont Life Magazine Fund</u>	<u>\$374,000.26</u>

(2) The Notwithstanding any other laws related to these special fund balances, the following estimated amounts, which may be all or a portion of unencumbered fund balances, shall may be transferred from the following funds to the General Fund. The upon determination of the Commissioner of Finance and Management that such transfers are integral for the financial closure of the fiscal year. The Commissioner shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

21638 AG-Fees & reimbursement – Court order	\$2,000,000
21928 Secretary of State Services Funds	\$1,200,000
62100 Unclaimed Property Fund	<u>\$1,773,425</u> <u>\$4,442,485</u>
<u>Combined estimate for 21075 Insurance Regulatory and Supervision Fund, 21805 Captive Insurance Regulatory and Supervision Fund, 21080 Regulatory and Supervision Fund</u>	<u>\$58,564,476</u>

(3) ~~Notwithstanding 2016 Acts and Resolves No. 172, Sec. E. 228, \$45,664,476 of the unencumbered balances in the Insurance Regulatory and Supervision Fund (21075), the Captive Insurance Regulatory and Supervision~~

Fund (21085), and the Securities Regulatory and Supervision Fund (21080) shall be transferred to the General Fund.

(4) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the General Fund from the accounts indicated:

1210002000	Legislature		\$205,000
1100030000	Executive Branch Pay Act	\$4,450,000	<u>\$4,559,966.09</u>
1100010000	<u>Secretary of Administration</u>		<u>\$261,019.35</u>
1110003000	<u>Budget & Management</u>		<u>\$46,983.65</u>
1140040000	<u>Homeowner Rebates</u>		<u>\$2,593,580.53</u>
1140070000	<u>Use Tax Reimbursement Program</u>		<u>\$103,001.75</u>
1140330000	<u>Renter Rebates</u>		<u>\$4,374,661.25</u>
1260010000	<u>Office of the Treasurer</u>		<u>\$206,201.60</u>
2100001000	<u>Attorney General</u>		<u>\$1,181.15</u>
2140010000	<u>Department of Public Safety - State Police</u>		<u>\$329,311.26</u>
2140090000	<u>Forensic Laboratory</u>		<u>\$60,701.18</u>
2150010000	<u>Military Administration/TAGO</u>		<u>\$347,364.99</u>
3330892202	<u>GMCB - Benchmarking Analyses</u>		<u>\$80,443.00</u>
3400891804	<u>Medicaid Financial Requirements</u>		<u>\$40,341.34</u>
3400892109	<u>St Match - Act 155 4(a),5(a)</u>		<u>\$277,500.00</u>
3400892112	<u>AHS - VT Food Bank-Food Box</u>		<u>\$1,376,000.00</u>
3420892203	<u>VDH - Recovery Centers</u>		<u>\$1.09</u>
3440892203	<u>DCF - Parent Child Ctrs Cap Imp</u>		<u>\$10.00</u>
5100010000	<u>Administration</u>		<u>\$282.00</u>
5100060000	<u>Adult Basic Education</u>		<u>\$7,192.22</u>
5100070000	<u>Education Services</u>		<u>\$3,870.00</u>
5100210000	<u>Education - Flexible Pathways</u>		<u>\$182,072.00</u>
5100400000	<u>State Board of Education</u>		<u>\$54,755.46</u>
5100892216	<u>AOE Vaccine Incentive Program</u>		<u>\$50,000.00</u>
6100040000	<u>Property Tax Assessment Appropriation</u>		<u>\$4,263.13</u>

6130030000 Parks \$504.96

* * *

(d) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100010000 Administration</u>	<u>\$1,607,144.76</u>
<u>5100040000 Special Education Formula</u>	<u>\$27,333,400.07</u>
<u>5100050000 State-Placed Students</u>	<u>\$1,443,542.45</u>
<u>5100090000 Education Grant</u>	<u>\$11,754,133.93</u>
<u>5100110000 Small School Grant</u>	<u>\$34,348.00</u>
<u>5100200000 Education - Technical Education</u>	<u>\$1,497,300.35</u>
<u>5100210000 Education - Flexible Pathways</u>	<u>\$1,843,900.61</u>

(e) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the Transportation Fund from the accounts indicated:

<u>8100000100 Finance and Administration</u>	<u>\$100,000</u>
<u>8100000300 Town Highway Structures</u>	<u>\$8,734,480</u>
<u>8100000800 Transportation Board</u>	<u>\$25,398</u>
<u>8100001000 Town Highway State Aid Federal Disasters</u>	<u>\$18,247</u>
<u>8100001100 Program Development</u>	<u>\$3,288,991</u>
<u>8100001400 Town Highway State Aid</u>	<u>\$533,098</u>
<u>Non-Federal Disasters</u>	
<u>8100001700 Rest Areas</u>	<u>\$135,990</u>
<u>8100001900 Town Highway VT Local Roads</u>	<u>\$101,089</u>
<u>8100002000 Maintenance & Operations Bureau</u>	<u>\$1,817,000</u>
<u>8100002100 Department of Motor Vehicles</u>	<u>\$261,000</u>
<u>8100002200 Policy and Planning</u>	<u>\$893,611</u>
<u>8100002600 Town Highway Class 2 Roadway</u>	<u>\$4,818,108</u>

Sec. 49. 2022 Acts and Resolves No. 185, Sec. D.102(a) is amended to read:

(a) \$3,020,000 from the General Fund shall be reserved in the 27/53 reserve in fiscal year ~~2022~~ 2023. This action is the fiscal year 2023

contribution to the reserve for the 53rd week of Medicaid as required by 32 V.S.A. § 308e and the 27th payroll reserve as required by 32 V.S.A. § 308e.

Sec. 50. 2022 Acts and Resolves No. 185, Sec. E.100 is amended to read:

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of the following new positions is authorized in fiscal year 2023:

(1) Permanent classified positions:

* * *

(F) Cannabis Control Board:

(i) two enforcement officers; ~~and~~

(ii) one data analyst;

(iii) two chemists; and

(iv) one Cannabis Quality Assurance Program and Laboratory Director.

* * *

(2) Permanent Exempt Positions:

(A) Vermont Pension Investment Commission: one Principal Assistant.

(B) Office of Child, Youth and Family Advocate:

(i) One Child, Youth and Family Advocate; and

(ii) One Deputy Child, Youth and Family Advocate.

* * *

(g) The establishment of the following exempt limited-service positions is authorized in the fiscal year beginning on July 1, 2022 through June 30, 2026.

(1) Truth and Reconciliation Commission

(A) Three Commissioners.

Sec. 51. 2022 Acts and Resolves No. 185, Sec. E.105.2 is amended to read:

Sec. E.105.2 FISCAL YEAR 2023; TECHNOLOGY MODERNIZATION SPECIAL FUND; AUTHORIZATIONS

~~(a) In fiscal 2023, the following expenditures are authorized from the Technology Modernization Special Fund to the projects described in this section:~~

~~(1) the sum of \$11,800,000 for Enterprise Resource Planning (ERP) system upgrade of core statewide financial accounting system and integration with the Vermont Department of Labor and the Agency of Transportation financial systems;~~

~~(2) the sum of \$1,800,000 for continued implementation of the Workplace Information Management System for property management at the Department of Buildings and General Services;~~

~~(3) the sum of \$960,000 for the Fire Safety System Modernization to replace the current technology with a modern platform to improve records management and public interaction functionalities related to permitting and licensing; and~~

~~(4) the sum of \$2,200,000 for a case management system at the Office of the Attorney General.~~

~~(b) The expenditures authorized in subdivision (a)(1) of this section Sec. B.1102 of this act shall only be released following approval by the Joint Information Technology Oversight Committee upon a review of the following documentation as provided by the Agency of Digital Services, the Agency of Administration, and the Joint Fiscal Office's IT consultant:~~

- ~~(1) adequacy of departmental readiness;~~
- ~~(2) the responsiveness of requests for proposals; and~~
- ~~(3) results of the independent review.~~

~~(e)(b) In fiscal year ~~2023~~ 2024, if funds are available per section C.102(b) of this act, the following expenditures are authorized from the Technology Modernization Special Fund to the projects described in this section:~~

~~(1) The sum of \$20,250,000 for the Department of Motor Vehicles (DMV) Core System Modernization Phase II.~~

~~(2) The sum of up to ~~\$30,000,000~~ \$27,000,000 for the Department of Labor Unemployment Insurance Modernization project. These funds shall be released as follows:~~

~~(A) the sum of \$3,000,000 on July 1, 2022;~~

~~(B) the sum of \$10,000,000 on July 1, 2023 upon approval by the Joint Information Technology Oversight Committee of the actions outlined in a Project Schedule; and~~

~~(C)(B) remaining funds shall be released upon request as needed by the Agency of Digital Services and approval of the Joint Information~~

Technology Oversight Committee in accordance with actions outlined in a Project Schedule.

* * *

(3) For the amounts released in subdivisions ~~(2)(B)-(C)~~ ~~(1)(A)-(B)~~ of this subsection, the Joint Information Technology Oversight Committee shall consider the Project Schedule developed between the Department of Labor and the Agency of Digital Services, as approved by the Agency of Administration. The Joint Information Technology Oversight Committee shall also consider any actions proposed by the U.S. Department of Labor that may impact current or future plans developed by the State's Department of Labor.

Sec. 52. 2022 Acts and Resolves No. 185, Sec. E.233.2(a) is amended to read:

(a) In fiscal year 2023 there is appropriated to the Vermont Community Broadband Board a total of ~~\$1,500,000~~ \$1,435,531 from special funds and \$684,127 from federal funds to operate the Board. ~~The intent of this section is to provide the necessary spending authority to the Board to operate in fiscal year 2023 until a new line-item budget is included in the budget adjustment for fiscal year 2023 pursuant to Sec. 233.1. of this act.~~

Sec. 53. EMPLOYMENT SUPPORTS FOR NEW AMERICANS

(a) Employment Assistance Grants. The State Refugee Office, in consultation with the Vermont Department of Labor, shall administer a grant program to support the development of coordinated community-based systems, with consideration of regional networks and resources, to assist in achieving economic self-sufficiency for New Americans, including refugees, humanitarian parolees, special immigrant visa holders, asylees, asylum-seekers and other immigrants with low income who are or intend to become residents of Vermont.

(b) Grant funds may be allocated to:

(1) assess the current ability of a municipality or region supporting the resettlement of New Americans, including the availability of English language learning services, transportation, housing, employment supports and economic and health services:

(2) provide employment and related support services for refugees, asylum seekers and other New Americans including technical support, employment training before or during employment, English language learning, employment-related case management, job placement, transportation or other related services; and

(3) provide staff support for the coordination of local and State resources to secure partnerships with organizations employing refugees, development of sustainable New American support systems for regions where New Americans are being settled, creation of employer partnerships to serve multiple refugees, identification of cultural barriers for individual or groups of refugees, and facilitation with necessary stakeholders to remove barriers and prepare for successful employment.

(c) The funding for this grant program is provided in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by Sec. 45 of this act.

Sec. 54. 2022 Acts and Resolves No. 185, Sec. E.301 is amended to read:

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT:

* * *

(b) In addition to the State funds appropriated in this section, a total estimated sum of ~~\$25,231,144~~ \$22,682,952 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) ~~\$22,230,100~~ \$19,881,850 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with ~~\$28,269,900~~ \$30,618,150 of federal funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of \$50,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) ~~\$3,001,544~~ \$2,801,102 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

(c) Up to ~~\$4,034,170~~ \$3,515,959 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 of this act – Secretary's Office – Global Commitment.

Sec. 55. DEPARTMENT OF MENTAL HEALTH: REIMBURSEMENT RATES FOR PRIVATE NONMEDICAL INSTITUTIONS

(a) Of the amounts appropriated to the Department of Mental Health in fiscal year 2023, \$420,000 is for the purposes of increasing reimbursement rates for Private Nonmedical Institutions that have rates set according to the Department of Vermont Health Access, Division of Rate Setting's Methods,

Standards and Principles for Establishing Payment Rates for Private Nonmedical Institutions Providing Residential Child Care Services. This amount shall be distributed by increasing the per diem rates set by the Department of Vermont Health Access, Division of Rate Setting for each Private Nonmedical Institution. The Division of Rate Setting shall increase the treatment and room and board portions of the final per diem rate for each Private Nonmedical Institution whose rate is set by the Division of Rate Setting by an amount sufficient to ensure the appropriation in this section is fully utilized from January 1, 2023 through June 30, 2023.

Sec. 56. DEPARTMENT FOR CHILDREN AND FAMILIES:
REIMBURSEMENT RATES FOR PRIVATE NONMEDICAL
INSTITUTIONS

(a) Of the amounts appropriated to the Department for Children and Families in fiscal year 2023, \$1,900,000 is for the purposes of increasing reimbursement rates for Private Nonmedical Institutions that have rates set according to the Department of Vermont Health Access, Division of Rate Setting's Methods, Standards and Principles for Establishing Payment Rates for Private Nonmedical Institutions Providing Residential Child Care Services. This amount shall be distributed by increasing the per diem rates set by the Department of Vermont Health Access, Division of Rate Setting for each Private Nonmedical Institution. The Division of Rate Setting shall increase the treatment and room and board portions of the final per diem rate for each Private Nonmedical Institution whose rate is set by the Division of Rate Setting by an amount sufficient to ensure the appropriation in this section is fully utilized from January 1, 2023 through June 30, 2023.

Sec. 57. ESSER: EDUCATION RECOVERY AND REVITALIZATION

(a) The Agency of Education may adjust any of the allocations concerning ESSER II and ARP ESSER state set aside funds made in 2021 Acts and Resolves Nos. 9, 67, 72, and 74 and 2022 Acts and Resolves Nos. 28, 83, 112, 166, and 185 during the final reconciliation process to ensure the entirety of the federal awards are expended. The Agency of Education shall provide a final reconciliation report to the Joint Fiscal Committee on the reallocation of these funds in October 2023 and October 2024.

Sec. 58. 2022 Acts and Resolves No. 185, Sec. E.514 is amended to read:

Sec. E.514 STATE TEACHERS' RETIREMENT SYSTEM

(a) In accordance with 16 V.S.A. § 1944(g)(2), and consistent with system changes enacted for fiscal year 2023 in the 2022 session, the annual contribution to the State Teachers' Retirement System (STRS) shall be

~~\$194,161,651~~ \$194,961,651 of which ~~\$187,273,782~~ \$188,073,782 shall be the State's contribution and \$6,887,869 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, ~~\$34,342,965~~ \$34,842,965 is the "normal contribution," and ~~\$159,818,686~~ \$160,118,686 is the "accrued liability contribution."

Sec. 59. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

* * *

~~(21) Lists of names compiled or obtained by Vermont Life magazine for the purpose of developing and maintaining a subscription list, which list may be sold or rented in the sole discretion of Vermont Life magazine, provided that such discretion is exercised in furtherance of that magazine's continued financial viability and is exercised pursuant to specific guidelines adopted by the editor of the magazine [Repealed].~~

* * *

Sec. 60. 3 V.S.A. § 2042 is amended to read:

§ 2402. COMMERCE AND COMMUNITY DEVELOPMENT

(a) An Agency of Commerce and Community Development is created consisting of the following:

* * *

~~(4) Vermont Life magazine [Repealed].~~

* * *

Sec. 61. REPEAL OF VERMONT LIFE MAGAZINE

3 V.S.A. § 2473a (Vermont Life magazine) is repealed.

Sec. 62. CLOSURE OF VERMONT LIFE MAGAZINE FUND

The Vermont Life Magazine Fund (50400) is closed. Any residual balance remaining at or after the close of fiscal year 2023 shall also be transferred to the General Fund to bring the Vermont Life Magazine Fund to a \$0.00 balance for closure.

Sec. 63. FISCAL YEAR 2022 TRANSPORTATION FUND BUDGET
STABILIZATION RESERVE

For the purpose of calculating the fiscal year 2022 Transportation Fund stabilization requirement of five percent of prior year appropriations, reversions of \$1,360,563 are excluded from the fiscal year 2021 total appropriations amount.

Sec. 64. FISCAL YEAR 2023 TRANSPORTATION FUND
BUDGET STABILIZATION RESERVE:

For the purpose of calculating the fiscal year 2023 Transportation Fund stabilization requirement of five percent of prior year appropriations, reversions of \$3,933,027 are excluded from fiscal year 2022 total appropriations.

Sec. 65. 2022 Acts and Resolves No. 185, Sec. G.300(c)(2) is amended to read:

(2) \$6,000,000 to the Department of Economic Development for the remediation and redevelopment of brownfield sites to be used in the same manner as the Brownfields Revitalization Fund established by 10 V.S.A. § 6654, except notwithstanding the grant limitations in 10 V.S.A. § 6654, projects supported by this appropriation shall not be limited to \$200,000 grants per parcel. The Agency of Commerce and Community Development shall award the amount of \$1,000,000.00 in fiscal year 2023 to regional planning commissions for the purposes of brownfields assessment. In awarding funds under this section, the Secretary, in consultation with Vermont Association of Planning and Development Agencies, shall select one regional planning commission to administer these funds. To ensure statewide availability, the selected regional planning commission shall subgrant to regional planning commissions with brownfield programs, with not more than 10 percent of the funds being used for administrative purposes.

Sec. 66. 2022 Acts and Resolves No. 185, Sec. G. 500(a) is amended to read:

(a) \$95,000,000 is appropriated in fiscal year 2023 to the Department of Public Service, Vermont Community Broadband Board from the American Rescue Plan Act - Coronavirus Capital Projects Fund in order to support the State's goal of achieving universal access to reliable, high-quality, affordable broadband. This appropriation shall be transferred to the Vermont Community Broadband Fund used to make grants through the Broadband Construction Grant Program. The Board may use monies appropriated in this subsection to fund any match requirements applicable to broadband grants funded by the federal Infrastructure Investment and Jobs Act.

Sec. 67. 2022 Acts and Resolves No. 185, Sec. G. 600(a)(2) is amended to read:

(2) \$35,000,000 to the Department of Public Service to grant to Efficiency Vermont for the purpose of weatherization incentives to Vermonters with a moderate income. These funds shall be deposited in the Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be available for use by Efficiency Vermont through December 31, ~~2024~~2026. Households approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.

Sec. 68. 2022 Acts and Resolves No. 185, Sec. G. 800(a) is amended to read:

(a) The establishment of the following ~~23~~ 32 new classified limited-service positions is authorized in fiscal year 2023.

Sec. 69. 2021 Acts and Resolves No. 74, Sec. E.127.1(d) is amended to read:

~~(d) To fund this work for fiscal year 2022 and fiscal year 2023, notwithstanding 32 V.S.A. § 706, at the close of fiscal year 2021, \$250,000.00 in carryforward from the legislative budget shall be transferred to the JFO [Repealed].~~

Sec. 70. 2021 Acts and Resolves No. 74, Sec. D.101, as amended by 2022 Acts and Resolves No. 83, Sec. 48 is further amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS AND RESERVES

* * *

(d) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amounts shall revert to the General Fund from the accounts indicated:

* * *

1225001000 Legislative IT	\$60,000.00	<u>\$120,000.00</u>
<u>1230001000 Sergeant-at-Arms</u>		<u>\$60,000.00</u>

* * *

Sec. 71. 2021 Acts and Resolves No. 74, Sec. G.300, as amended by 2022 Acts and Resolves No. 83, Sec. 68 is further amended to read:

Sec. G.300 INVESTMENTS IN VERMONT'S ECONOMY,
WORKFORCE, AND COMMUNITIES

* * *

(28) ~~\$12,803,996~~ \$12,803,993 to the Department of Labor to cover pandemic related operating costs in the Unemployment system and other programs.

* * *

Sec. 72. 2021 Acts and Resolves No. 74, Sec. G.600(a)(4) is amended to read:

(4) \$2,000,000 to the Department of Public Service to grant to Efficiency Vermont for the purpose of workforce development initiatives and to support the expansion of NeighborWorks of Western Vermont's Heat Squad program. These funds shall be deposited in the Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be available for use by Efficiency Vermont through December 31, ~~2023~~ 2024.

Sec. 73. 2022 Acts and Resolves No. 83, Sec. 72 is amended to read:

Sec. 72. WORKFORCE RECRUITMENT AND RETENTION
INCENTIVE GRANT FUNDING FOR EMPLOYEES OF
ELIGIBLE HEALTH CARE AND SOCIAL SERVICE
EMPLOYERS

(a)(1) Program established. The Secretary of Human Services shall establish a workforce recruitment and retention incentive grant program for employees of eligible employers, as defined in this section. Eligible employers may apply for a grant within the grant application period determined by the Secretary.

(2) ~~The~~ For all eligible employers except for home health agencies, the total grant award amount for each eligible employer shall be calculated at a rate of \$2,000 per full-time equivalent employee (FTE) based on the number of FTEs identified by the eligible employer in its grant application. For home health agencies, the total grant award amount for each eligible employer shall be calculated at a rate of \$3,000 per full-time equivalent employee (FTE) based on the number of FTEs identified by the eligible employer in its grant application.

* * *

~~(4) Eligible employers shall distribute the full amount of their awards within 12 months following receipt of the grant funds.~~

* * *

(f) Allocations.

(1) Of the funds made available in subsection (e) of this section, \$45,000,000 shall be allocated for a first round of funding, to be made available to the eligible employers identified in subsection (b) of this section. The remaining \$15,000,000 shall be reserved for a second round of funding pending identification of a set of additional health care and social service provider employers with a demonstrated need for the recruitment and retention

incentive grant funding, as recommended by the Agency of Human Services and accepted by the General Assembly, or by the Joint Fiscal Committee if the General Assembly is not in session, except that the Agency is authorized to access all or a portion of the reserved funding to the extent that a funding deficiency is identified when meeting the needs of the first round of eligible employers.

(2) Any remaining funds following a second round of funding may be used for one or more of the following workforce recruitment and retention purposes:

(A)(i) Incentive grants to nurses employed by health care employers in Vermont for serving as preceptors for nursing students enrolled in Vermont nursing schools. The Agency shall distribute all or a portion of the remaining funds to health care employers employing nurses who provide student preceptor supervision based on the number of preceptor hours to be provided, at a rate of \$5.00 per preceptor hour, or a lesser hourly rate if the need exceeds the available funds. The Agency shall prioritize funding for health care employers that provide matching funds for additional preceptor compensation or that commit to providing future compensation and support to expanding the number of preceptors.

(ii) If nurse preceptors receiving compensation pursuant to a grant awarded to a health care employer under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the health care employer for the nurse preceptors shall be subject to bargaining between the health care employer and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

(B) Grants to health care employers, including hospitals, long-term care facilities, designated and specialized service agencies, federally qualified health centers, and other health care providers, to establish or expand partnerships with Vermont nursing schools to create nursing pipeline or apprenticeship programs, or both, that will train members of the health care employers' existing staff, including personal care attendants, licensed nursing assistants, and licensed practical nurses, to become higher-level nursing professionals. Through a combination of scholarship awards; grants awarded to health care employers pursuant to this section; grants awarded to health care employers pursuant to 2022 Acts and Resolves No. 183, Sec. 22; and the health care employer's contributions, there will be no out-of-pocket costs toward tuition and fees incurred by the trainees. Trainees may also receive assistance in meeting their living costs, such as housing and child care, while attending the program as allocated funding allows.

Sec. 74. 2022 Acts and Resolves No. 183, Sec. 21 is amended to read:

Sec. 21. NURSE PRECEPTOR INCENTIVE GRANTS; HOSPITALS;
WORKING GROUP; REPORT

(a)(1) In fiscal year 2023, the amount of \$400,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Human Services to provide incentive grants to nurses employed by critical access hospitals in Vermont for serving as preceptors for nursing students enrolled in Vermont nursing school programs. The Agency shall distribute the funds to critical access hospitals employing nurses who provide student preceptor supervision based on the number of preceptor hours to be provided, at a rate of \$5.00 per preceptor hour, or a lesser hourly rate if the need exceeds the available funds. The Agency shall prioritize funding for hospitals that provide matching funds for additional preceptor compensation or that commit to providing future compensation and support to expanding the number of preceptors. If funding is not fully obligated after offering an initial grant opportunity to critical access hospitals, the Agency may open the grant opportunity to other health care employers, including non-critical access hospitals, long-term care facilities, designated and specialized service agencies, federally qualified health centers, and other health care providers.

(2) If nurse preceptors receiving compensation pursuant to a grant awarded to a hospital or other health care employer under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the hospital or other health care employer for the nurse preceptors shall be subject to impact bargaining between the hospital or other health care employer and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

Sec. 75. 2022 Acts and Resolves No. 182, Sec. 3 is amended to read:

Sec. 3. MANUFACTURED HOME IMPROVEMENT AND
REPLACEMENT PROGRAM

Of the amounts available from ~~federal COVID-19 relief~~ the American Rescue Plan Act (ARPA) recovery funds, the following amounts are appropriated to the Department of Housing and Community Development for the purposes specified:

* * *

Sec. 76. 2022 Acts and Resolves No. 182, Sec. 28 is amended to read:

Sec. 28. APPROPRIATION ALLOCATION

~~To the extent that increased funding is provided in fiscal year 2023 to the Municipal and Regional Planning Fund, \$650,000.00 shall be used for Municipal Bylaw Modernization Grants established in 24 V.S.A. § 4307. An amount not to exceed \$650,000 of Municipal and Regional Planning Funds, as appropriated to the Department of Housing and Community Development per 2022 Acts and Resolves No. 185, Sec. B.802, may be used to provide Municipal Bylaw Modernization Grants in accordance with 24 V.S.A § 4307.~~

Sec. 77. 2022 Acts and Resolves No. 178, Sec. 3 is amended to read:

Sec. 3. DISBURSEMENT PLAN; POLYCHLORINATED
BIPHENYLS (PCBs); REMEDIATION; SIGNIFICANT
HEALTH THREAT

* * *

(c) Expenditures made pursuant to this section shall be authorized notwithstanding 16 V.S.A. § 4025(d).

Sec. 78. 2022 Acts and Resolves No. 183, Sec. 16(b)(1) is amended to read:

(1) ~~In Notwithstanding 16 V.S.A. § 4025(d);~~ in fiscal year 2023, the amount of \$15,000,000.00 is appropriated from the Education Fund to the Vermont Housing and Conservation Board to create and administer the CTE Construction and Rehabilitation Experiential Learning Program and Revolving Loan Fund pursuant to this section

Sec. 79. 2022 Acts and Resolves No. 183, Sec. 25 is amended to read:

Sec. 25. VERMONT NURSING FORGIVABLE LOAN INCENTIVE
PROGRAM; APPROPRIATION

(a) In fiscal year 2023, the amount of \$227,169.00 in Global Commitment funds is appropriated to the Department of Health for forgivable loans for nursing students under the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

(b) In fiscal year 2023, the amount of \$100,000.00 is appropriated from the General Fund to the Agency of Human Services, Global Commitment ~~appropriation~~ Program for the State match for the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

(c) In fiscal year 2023, \$127,169.00 in federal funds is appropriated to the Agency of Human Services, Global Commitment ~~appropriation~~ Program for the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

Sec. 80. 2022 Acts and Resolves No. 183, Sec. 47(d)(3) is amended to read:

(3) the amount of the cumulative decline in adjusted net operating income during the COVID-19 public health emergency in 2020 and 2021, or other appropriate basis of comparison used to determine eligibility under subdivision (c)(4) of this section.

Sec. 81. 2022 Acts and Resolves No. 183, Sec. 53(a) is amended to read:

(a) Reversion. In fiscal year ~~2022~~ 2023, of the amounts appropriated in 2021 Acts and Resolves No. 74, Sec. G. 300(a)(13), from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Commerce and Community Development for the Economic Recovery Grant Program, ~~\$25,500,000.00~~ \$25,042,000.00 shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds.

Sec. 82. 2022 Acts and Resolves No. 183, Sec. 54 is amended to read:

Sec. 54. ~~APPROPRIATION;~~ DOWNTOWN AND VILLAGE CENTER TAX CREDIT PROGRAM: ONE-TIME SUPPLEMENTAL CAPACITY

~~There is appropriated the sum of \$2,450,000.00 from the General Fund to the Vermont Downtown and Village Center Tax Credit Program to be used in fiscal years 2023 and 2024. Notwithstanding 32 V.S.A. § 5930ee, the funds shall be used in the period from July 1, 2022 through June 30, 2024, the tax credit capacity for the Downtown and Village Center Tax Credit program shall be increased by a cumulative total of \$2,450,000 to increase the amount of tax credits that may be awarded to qualified projects. Of these the supplemental tax credits awarded in fiscal years 2023 and 2024, up to \$2,000,000.00 may be awarded to qualified projects located in designated neighborhood development areas.~~

Sec. 83. 2022 Acts and Resolves No. 184, Sec. 2(8)(C) and (D) are amended to read:

(C) Replace Your Ride Program. Sec. 5(c) of this act authorizes ~~\$3,000,000.00~~ \$2,900,000.00 for incentives under Replace Your Ride, which will be the State's program to incentivize Vermonters to remove older low-efficiency vehicles from operation and switch to modes of transportation that produce fewer greenhouse gas emissions, and capped administrative costs.

(D) eBike Incentives. Sec. 5(d) of this act authorizes ~~\$50,000.00~~ \$150,000.00 for eBike incentives and capped administrative costs.

Sec. 84. 2022 Acts and Resolves No. 184, Sec. 5(c) and (d) are amended to read:

(c) Replace Your Ride Program. The Agency is authorized to spend up to ~~\$3,000,000.00~~ \$2,900,000.00 as appropriated in the fiscal year 2023 budget on the Replace Your Ride Program established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.

(d) eBike Incentives. The Agency is authorized to spend up to ~~\$50,000.00~~ \$150,000.00 as appropriated in the fiscal year 2023 budget on an eBike incentive program.

Sec. 85. 2022 Acts and Resolves No. 185, Sec. G.600(b) is amended to read:

(b) In fiscal year 2023, \$32,200,000 is appropriated from the General Fund and \$550,000 is appropriated from the Transportation Fund for electric vehicle charging infrastructure, electrification incentives and public transportation investments as follows:

* * *

(5) ~~\$3,000,000.00~~ \$2,900,000.00 to the Agency of Transportation for the Replace Your Ride Program, established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.

(6) \$2,200,000 general funds and \$550,000 Transportation funds to the Agency of Transportation for the following:

* * *

(C) \$50,000 Transportation funds and \$100,000 general funds to the Agency of Transportation for electric bicycle incentives.

Sec. 86. 2022 Acts and Resolves No. 186, Sec. 4(b) is amended to read:

(b) In fiscal year 2023, \$102,000.00 is ~~appropriated~~ allocated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies appropriated in 2022 Acts and Resolves No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. 105, to fund the Residential Program Developer position established in subsection (a) of this section.

Sec. 87. 2022 Acts and Resolves No. 186, Sec. 5(b)(1) is amended to read:

(b)(1) In fiscal year 2023, \$500,000.00 is ~~appropriated~~ allocated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies appropriated in 2022 Acts and Resolves No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. 105, to develop housing and residential service pilot planning grants in at least three

regions of the State, in partnership with designated and specialized service agencies, for individuals with developmental disabilities and their families. The Department shall issue a request for proposals seeking entities to develop regional pilot planning grants with not more than one grant per designated agency catchment area.

Sec. 88. 33 V.S.A. § 3543 is amended to read:

§ 3543. STUDENT LOAN REPAYMENT ASSISTANCE

(a)(1) There is established a need-based student loan repayment assistance program for the purpose of providing student loan repayment assistance to any individual employed by a regulated, privately operated center-based child care program or family child care home.

(2) An eligible individual shall:

(A)(i) work in a privately operated center-based child care program or in a family child care home that is regulated by the Division for at least an average of 30 hours per week for 48 weeks of the year; or

(ii) if the individual is an employee of a Vermont Head Start program that operates fewer than 48 weeks per year, work a minimum of nine months of the year, inclusive of any employer-approved time off; or

(B) receive an annual salary of not more than ~~\$50,000.00~~ \$60,000.00 through the individual's work in regulated childcare; and

(C)(i) have earned an associate's, ~~or~~ bachelor's, or master's degree with a major or concentration in early childhood, child and human development, elementary education, special education with a birth to age eight focus, or child and family services ~~within the preceding five years; or~~

(ii) have earned an associate's, bachelor's, or master's degree that contributes to an Early Childhood Career Ladder Certificate Level IIIB or higher through Northern Lights at the Community College of Vermont.

(3) To participate in the program set forth in this section, an eligible individual shall submit to the Department for Children and Families documentation expressing the individual's intent to work in a regulated, privately operated center-based child care program or family child care home for at least the 12 months following the annual loan repayment award notification. A participant may receive up to \$4,000.00 annually in student loan repayment assistance, which shall be distributed by the Department in four allotments. The Department shall distribute at least one-quarter of the individual's total annual benefit after the individual has completed three months of employment in accordance with the program. The remainder of an

individual's total annual benefit shall be distributed by the Department every three months after the initial payment.

Sec. 88a. RETROACTIVE STUDENT LOAN REPAYMENT ASSISTANCE

(a) In recognition that many long-serving child care providers had student loan debt that is now retired, the Department for Children and Families shall provide to an eligible applicant a one-time retroactive payment of up to \$4,000.00. An eligible applicant shall:

(1) have not previously received student loan repayment assistance pursuant to 33 V.S.A. section 3543;

(2) have met all eligibility requirements listed in 33 V.S.A. section 3543 within the 12 months preceding the date of application; and

Sec. 89. TRANSITION OF SCHOLARSHIPS FOR PROSPECTIVE EARLY CHILDHOOD PROVIDERS PROGRAM

(a) As a result of timing constraints on the American Rescue Plan Act–Child Care Development Block Grant funds (ARPA–CCDBG), utilization of the Scholarships for Prospective Early Childhood Providers program established in 33 V.S.A. § 3542 has been limited requiring funding and program transition.

(1) Notwithstanding subdivisions E.318.3(a)(1) and (2) of 2021 Acts and Resolves No. 74 or other ARPA–CCDBG funding allocations to the Prospective Early Childhood Providers established in 33 V.S.A. § 3542, the Department for Children and Families may allocate any unexpended and unobligated ARPA–CCDBG funding to any of the initiatives listed in 2021 Acts and Resolves No. 45 to the extent allowed by ARPA–CCDBG.

(2) Notwithstanding Sec. E.318.3(a)(1) and (2) of 2021 Acts and Resolves No. 74, the Department for Children and Families shall transition the program in coordination with the Vermont Student Assistance Corporation for the existing participants including the release of participants from work requirements. The Department for Children and Families shall fund any transition costs associated with the current participants enrolled in the Scholarships for Prospective Early Childhood Providers established in 33 V.S.A. § 3542 from the existing allocation of ARPA–CCDBG monies.

Sec. 90. 2020 Acts and Resolves No. 164, Sec. 6d. is amended to read:

Sec. 6d. AUDITOR OF ACCOUNTS REPORT

On or before November 15, ~~2023~~ 2025, the Auditor of Accounts shall report to the General Assembly regarding the organizational structure and membership of the Cannabis Control Board and whether the structure

continues to be the most efficient for carrying out the statutory duties of the Board.

Sec. 91. 32 V.S.A. § 7811 is amended to read:

§ 7811. IMPOSITION OF TOBACCO PRODUCTS TAX

* * *

(b) The tax established in this section shall not be imposed on:

(1) cannabis-related supplies sold by a dispensary registered under 18 V.S.A. chapter 86 7 V.S.A. chapter 37 to registered patients and registered caregivers, as those terms are defined in 18 V.S.A. § 4472 7 V.S.A. § 972;

(2) cannabis products, as defined in 7 V.S.A. § 831, that do not contain tobacco; or

(3) hemp or hemp products, as defined in 6 V.S.A. § 562, that do not contain tobacco.

* * *

Sec. 92. REPEALS; MENTAL HEALTH RISK POOL

1998 Acts and Resolves No. 147, Sec. 138a is repealed.

Sec. 93. JUDICIARY NETWORK REPLACEMENT REVIEW

(a) On or before April 15, 2023, the Judiciary shall obtain an independent expert review for their proposed Network Replacement project. The review shall include:

(1) an acquisition cost assessment;

(2) a technology architecture and standards review;

(3) an implementation plan assessment, including a review of the staffing plan for the ongoing operation of the network;

(4) a cost analysis and a model for benefit analysis;

(5) an analysis of alternatives;

(6) an impact analysis on the Judiciary's net operating costs; and

(7) a security assessment.

(b) The Judiciary shall submit a copy of the review described in subsection (a) of this section to the House Committees on Appropriations and on Government Operations and Military Affairs and the Senate Committees on Appropriations and on Government Operations. No funds shall be

appropriated for the Judiciary's Network Replacement project until the results of the review are assessed by the General Assembly.

(c) Any costs associated with the review described in subsection (a) of this section shall be paid for from the Judiciary's fiscal year 2023 operating budget.

Sec. 94. [DELETED].

Sec. 95. MUNICIPAL TECHNICAL ASSISTANCE TO ACCESS STATE
AND FEDERAL FUNDING

(a) Expanding municipal access to State and federal funding. The Agency of Administration, consistent with the provisions of this section, shall design and implement a process to provide expanded technical and administrative assistance to municipalities with high need that may be eligible for State or federal funding for the following activities:

(1) Community needs assessment. Conducting a review of community assets and needs, strategic planning, and identifying potential eligible projects, including in the following categories:

(A) water supply and wastewater infrastructure;

(B) housing;

(C) community recovery, workforce development, and business support;

(D) climate change mitigation and resilience; and

(E) other community economic development projects identified by a municipality and approved by the Agency of Administration.

(2) Opportunity assessment. Assessing the technical assistance and funding available from State, federal, and private sources; evaluating eligibility and compliance requirements; and conducting a feasibility analysis of whether the municipality has, or can develop, the capacity to complete a project and meet applicable requirements.

(3) Application and permit assistance. Providing technical and administrative assistance with completing funding applications, permit applications, and satisfying initial regulatory requirements.

(4) Project management and implementation. Providing ongoing support to successful grant recipients with project management, funding program implementation, funding program compliance, and administrative and regulatory compliance through project completion.

(5) Other capacity-building activities. Providing additional assistance, subject to approval by the Agency, to advance priority projects identified by municipalities.

(b) Eligible service providers; service delivery.

(1) Eligibility.

(A) The Agency shall develop eligibility criteria, issue a request for proposals, and implement an approval process for service providers within each region to provide the technical assistance and services specified in subsection (a) of this section.

(B) The Agency may exercise its discretion in structuring the terms of service and payments, provided that the Agency shall adopt a set of minimum standards, duties, and performance requirements applicable to all service providers.

(2) Providers; mode of delivery. The Agency may:

(A) award a grant or contract for services to a regional planning commission, regional development corporation, or other similar instrumentality; to a private for-profit or nonprofit contractor; or to a combination of these;

(B) award funding to two or more municipalities to create a shared full-time, part-time, or limited-service position; or

(C) authorize an eligible municipality to directly contract for services from one or more providers approved by the Agency, subject to terms approved by the Agency.

(3) Regional collaboration. In approving service providers, the Agency shall give priority to applicants that demonstrate a commitment and ability to promote regional collaboration and maximize the efficient use of resources.

(c) Eligible municipalities; communities index.

(1) The Agency shall develop an index that ranks Vermont municipalities based on their relative administrative capacity to access and maximize the benefits of technical assistance and funding that is available from State, federal, and other sources.

(2) In developing the index, for each municipality in this State, the Agency shall consider its demographic profile, geographic location, and economic resources; the current size and administrative capacity of the municipal government; the availability of regional partners and supports; and

other factors the Agency determines to be relevant in assessing the municipality's capacity to fully access available funding and related assistance.

(d) Eligible municipalities; priority.

(1) The Agency shall approve funding on a first-come, first-served basis to municipalities that rank in the top 25th percentile on the index developed pursuant to subsection (c) of this section.

(2) Notwithstanding subdivision (1) of this subsection, the Agency may adopt a process to consider and approve funding for a municipality that ranks below the top 25th percentile but demonstrates exceptional circumstances.

(3) If funds remain available after meeting the funding requirements of municipalities that qualify under subdivisions (1)–(2) of this subsection, the Agency may award funding to other municipalities according to index ranking.

(e) Outreach; implementation.

(1) The Agency, in coordination with the Vermont League of Cities and Towns, shall conduct a general public engagement campaign to make municipalities aware of the potential opportunity for services and funding pursuant to this section.

(2) The Agency, the Vermont League of Cities and Towns, and each regional planning commission and regional development corporation that serves a municipality that is eligible for funding priority under subdivision (d)(1) of this section shall work collaboratively to ensure that individual outreach to each eligible municipality occurs:

(A) to inform the municipality that it is eligible for funding for technical assistance and related services based on its index ranking;

(B) to educate the municipality on the process for identifying the types of services and assistance available, identifying eligible service providers, and accessing funding pursuant to this section; and

(C) to determine whether the municipality intends to further pursue funding for technical assistance and related services or waives its priority for funding.

(f) Reporting.

(1) The Agency shall report to the House and Senate Committees on Appropriations, the Senate Committee on Government Operations, the House Committee on Government Operations and Military Affairs, the House Committee on Commerce and Economic Development, and the Senate

Committee on Economic Development, Housing and General Affairs on or before the following dates:

(A) April 1, 2023;

(B) July 1, 2023; and

(C) January 15, 2024.

(2) The Agency shall address in its reports the design and implementation of the process for providing municipal technical assistance pursuant to this section, including information addressing:

(A) the activities specified in subsection (a) of this section for which the Agency provided funding and the type and amount of State, federal, or other funds that were leveraged for each activity;

(B) the eligibility criteria, request for proposals, and approval process for service providers; the standards, duties, and performance requirements applicable to service providers; and the identity and scope of services performed by approved service providers;

(C) the mode of delivery, amount, and purpose of funding awarded to municipalities;

(D) the design, methodology, and efficacy of the index; the effectiveness of the index in identifying relative priority and capacity of municipalities; and, if applicable, the basis of any funding awards made due to exceptional circumstances pursuant to subdivision (d)(3) of this section; and

(E) the design, implementation, and effectiveness of outreach efforts undertaken pursuant to subsection (e) of this section.

(g) Funding. The funding is provided in 2022 Acts and Resolves No. 185, Sec. B.1100 as amended by Sec. 45 of this act.

Sec. 96. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) As used in this subchapter:

* * *

(11) “Member” means any employee included in the membership of the Retirement System under section 457 of this title.

* * *

(F) “Group G member” means the following employees who are first employed in the positions listed in this subdivision (F) on or after ~~July 1, 2022~~

July 1, 2023, or who are members of the System as of June 30, 2022 and make an irrevocable election to prospectively join Group G on or before June 30, 2023, pursuant to the terms set by the Board: facility employees of the Department of Corrections, as Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, as employees of a facility for justice-involved youth, or as Vermont State Hospital employees or as employees of its successor in interest, who provide direct patient care.

(12) “Membership service” ~~shall mean~~ means service rendered while a member of the Retirement System.

(13) “Normal retirement date” means:

* * *

(E) with respect to a Group G member:

(i) for facility employees of the Department of Corrections, Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, employees of a facility for justice-involved youth, or employees of the Vermont State Hospital or its successor in interest, who provide direct patient care, who were first included in the membership of the System on or before June 30, 2008, who were employed as of June 30, 2022, and who made an irrevocable election to prospectively join Group G on or before July 1, 2023, pursuant to the terms set by the Board, the first day of the calendar month next following the earlier of:

(I) 62 years of age and following completion of five years of creditable service;₂

(II) completion of 30 years of creditable service;₂ or

(III) 55 years of age and following completion of 20 years of creditable service; or

(ii) for facility employees of the Department of Corrections, Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, as employees of a facility for justice-involved youth, or employees of the Vermont State Hospital or its successor in interest, who provide direct patient care, who were first included in the membership of the System on or after July 1, 2008, who were employed as of June 30, 2022, and who made an irrevocable election to prospectively join Group G on or before July 1, 2023, pursuant to the terms set by the Board, the first day of the calendar month next following the earlier of:

(I) 65 years of age and following completion of five years of creditable service;

(II) attainment of 87 points reflecting a combination of the age of the member and number of years of service; or

(III) 55 years of age and following completion of 20 years of creditable service; or

(iii) for facility employees of the Department of Corrections, Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, employees of a facility for justice-involved youth, or employees of the Vermont State Hospital or its successor in interest, who provide direct patient care, who first become a Group G member on or after July 1, 2023, the first day of the calendar month next following the earlier of:

(I) attainment of 55 years of age and following completion of 20 years of creditable service; or

(II) 65 years of age and following completion of five years of creditable service.

* * *

Sec. 97. 3 V.S.A. § 470 is amended to read:

§ 470. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT ALLOWANCES

* * *

(b) Calculation of net percentage increase.

(1) Consumer Price Index; maximum and minimum amounts. Prior to October 1 of each year, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent, in the Consumer Price Index for the month ending on June 30 of that year to the average of said index for the month ending on June 30 of the previous year. Any increase or decrease in the Consumer Price Index shall be subject to adjustment so as to remain within the following maximum and minimum amounts:

* * *

(E) For Group F and Group G members who are first eligible for normal retirement or unreduced early retirement on or before June 30, 2022, or who are vested deferred members as of June 30, 2022, the maximum amount of any increase or decrease used to determine the net percentage increase shall be five percent. In the event that there is an increase or decrease of less than

one percent, the net percentage increase shall be assigned a value of one percent and shall not be subject to further adjustment pursuant to subsection (d) of this section.

* * *

(c) Eligibility for postretirement adjustment. In order for a beneficiary to receive a postretirement adjustment to the beneficiary's retirement allowance, the beneficiary must meet the following eligibility requirements:

* * *

(2) In service on or before June 30, 2022. For all Group A, C, ~~and F,~~ and G members who are first eligible for normal retirement or unreduced early retirement on or before June 30, 2022, and for Group D members first appointed or elected on or before June 30, 2022, the member must be in receipt of a retirement allowance for at least 12 months prior to the January 1 effective date of any postretirement adjustment.

* * *

Sec. 98. 3 V.S.A. § 473 is amended to read:

§ 473. FUNDS

(a) Assets. All of the assets of the Retirement System shall be credited to the Vermont State Retirement Fund.

(b) Member contributions.

* * *

(2)(A) Group A members. Commencing on July 1, 2016, contributions shall be 6.55 percent of compensation for Group A members.

* * *

(C) Group D members. Commencing on July 1, 2022, the contribution rate for Group D members shall be based on the highest quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the hourly rate of pay by all Group D members. The contribution rates shall be based on the schedule set forth below:

* * *

(D) Group F members. Commencing on July 1, 2022, the contribution rate for Group F members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human

Resources based on the combined hourly rate of pay of all Group F and Group G members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period below the 25th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be 6.55 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 25th percentile and below the 50th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation; and

(III) commencing in fiscal year 2025 and annually thereafter, 8.05 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation; and

(IV) commencing in fiscal year 2026 and annually thereafter, 8.55 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at or above the 75th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation;

(IV) commencing in fiscal year 2026, 8.55 percent of compensation; and

(V) commencing in fiscal year 2027 and annually thereafter, 9.05 percent of compensation.

(E) Group G members. Commencing on July 1, 2023, the contribution rate for Group G members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the combined hourly rate of pay of all Group F and Group G members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period below the 25th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be 11.23 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 25th percentile and below the 50th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation; and

(II) commencing in fiscal year 2025 and annually thereafter, 12.73 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation;

(II) commencing in fiscal year 2025, 12.73 percent of compensation; and

(III) commencing in fiscal year 2026 and annually thereafter, 13.23 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at or above the 75th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation;

(II) commencing in fiscal year 2025, 12.73 percent of compensation;

(III) commencing in fiscal year 2026, 13.23 percent of compensation; and

(IV) commencing in fiscal year 2027 and annually thereafter, 13.73 percent of compensation.

Sec. 99. 3 V.S.A. § 500 is amended to read:

§ 500. DEFINED CONTRIBUTION RETIREMENT PLAN

* * *

(b) Employees who are not members of the classified system who are first employed by the State on and after January 1, 1999, and would otherwise be members of Group A, B, C, D, ~~or~~ F, or G of the Vermont State Retirement System shall be eligible to participate in the Defined Contribution Retirement Plan.

* * *

Sec. 100. 2022 Acts and Resolves No. 114, Sec. 14 is amended to read:

Sec. 14. ONE-TIME IRREVOCABLE ELECTION FOR CERTAIN CORRECTIONS WORKERS

(a) On or before September 15, 2022, the Department of Human Resources, in consultation with the State Treasurer's office, shall establish a list of positions eligible for Group G of the Vermont State Employees'

Retirement System. The list of Group G-eligible positions shall be limited to the following State employees:

- (1) facility employees of the Department of Corrections;
- (2) Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community;
- (3) employees of a facility for justice-involved youth; and
- (4) employees of the Vermont State Hospital or its successor in interest, who provide direct patient care.

* * *

(c) In establishing any new ~~corrections~~ classified Department of Corrections or Department of Mental Health position on and after July 1, 2023, the Department of Human Resources shall identify that position as eligible for either Group G, pursuant to the criteria set forth in subsection (a) of this section, or Group F.

* * *

Sec. 101. OTHER POSTEMPLOYMENT BENEFITS; GOVERNANCE STRUCTURE; REPORT

(a) The Office of the State Treasurer, in consultation with the Vermont Pension Investment Commission and the Agency of Administration, shall produce a report that examines and makes recommendations on the governance structure of the two OPEB funds, other possible governance structures, and whether changes should be made to better align the governance structure with nature of the OPEB funds. In reviewing the governance structure, the report shall evaluate both the manner in which the funds are overseen as well as the underlying section 115 trusts in which they are held. Specifically, the report shall address the following:

- (1) the advantages and disadvantages of retaining the existing governance structure of the OPEB funds with the State Treasurer as sole trustee;
- (2) alternative governance structures for the OPEB funds, the advantages and disadvantages of each alternative examined, and the steps and timeline required to implement each alternative; and
- (3) to the extent possible, other issues relating to the OPEB funds identified as warranting study.

(b) Assistance. The Office of the State Treasurer shall have the administrative support of the Vermont Pension Investment Commission as well as the Agency of Administration in producing the report.

(c) Funding. \$100,000 is provided in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by Sec. 45 of this act for the purpose of subsection (a) of this section.

(d) Report. On or before January 15, 2024, the Treasurer shall submit a written report to the General Assembly with findings and recommendations.

Sec. 102. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

* * *

(e) The Commissioner may, in the Commissioner's discretion and subject to such conditions and requirements as the Commissioner may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

* * *

(22) to the Agency of Natural Resources and the Department of Public Service, provided that the disclosure relates to the sales and use tax for aviation jet fuel and natural gas under chapter 233 of this title or to the fuel tax under 33 V.S.A. chapter 25 and is subject to any confidentiality requirements of the Internal Revenue Service and the disclosure exemption provisions of 1 V.S.A. § 317.

Sec. 103. DEPARTMENT OF TAXES; FORM OF RETURNS

(a) On or before July 1, 2023, the Commissioner of Taxes shall update the form of returns required by 32 V.S.A. § 9775, including the Sales and Use Tax Return for Aviation Jet Fuel and Natural Gas, known as Form SUT-458, and the Fuel Tax and Petroleum Distributor Licensing Fee Return, known as Form FGR-615, in consultation with the Secretary of Natural Resources to provide further information necessary to understand the volume of each fuel product type sold or consumed.

Sec. 104. 2022 Acts and Resolves No. 182, Sec. 11 is amended to read:

Sec. 11. MISSING MIDDLE-INCOME HOMEOWNERSHIP
DEVELOPMENT PILOT PROGRAM

(a) The following amounts are appropriated from the ~~America Rescue Plan Act (ARPA) Coronavirus State Fiscal Recovery Funds~~ to the Department of Housing and Community Development to grant to the Vermont Housing

Finance Agency to establish the Missing Middle-Income Homeownership Development Pilot Program:

(1) from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds: \$5,000,000.00 in fiscal year 2022; and

(2) from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds: \$10,000,000.00 in fiscal year 2023; and

(3) from the General Fund \$9,000,000 in fiscal year 2023.

* * *

Sec. 105. SUPPLEMENTAL NON-EMERGENCY MEDICAID
TRANSPORTATION FUNDING

It is the intent of the General Assembly that supplemental fiscal year 2023 Global Commitment funding of \$1,700,000 provided to DVHA for the Non-Emergency Medicaid Transportation program in this act be applied only prospectively as soon as reasonably possible to provide services to Vermont Medicaid members through the existing contract #41132 with the Vermont Public Transportation Association. The Association shall allocate the funds to address financial deficits incurred by its members in providing NEMT services.

Sec. 106. DEPARTMENT OF CORRECTIONS FISCAL YEAR 2022 OUT
OF STATE BEDS CARRYFORWARD FUNDS AND JUSTICE
REINVESTMENT II FUNDING

(a) Notwithstanding 2021 Acts and Resolves No. 74, Sec. E.335, as amended by 2022 Acts and Resolves No. 83, Sec. 62, and by 2022 Acts and Resolves No. 185, Sec. C.111, \$1,982,247 of Department of Corrections Out of State Bed General Fund appropriation carried forward from fiscal year 2022 shall revert to the General Fund in fiscal year 2023 for appropriation to Justice Reinvestment II in fiscal year 2023.

(b) \$290,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 are for the Department's Offender Management System (OMS) intelligence layer consistent with the actions of the Joint Legislative Justice Oversight Committee.

(c) \$350,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 shall be granted by the Department to VT Network Against Sexual Violence consistent with the actions of the Joint Legislative Justice Oversight Committee.

(d) \$342,247 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 for Community Justice Centers (CJs) whose work is focused

on services and programs that enhance community safety and include best-practice and cost-effective approaches to reducing recidivism.

(e) \$1,000,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 shall be left unallocated. Any allocation shall be subject to review by the House Committees on Judiciary and on Corrections and Institutions, Senate Committees on Judiciary and on Institutions and the Joint Legislative Justice Oversight Committee and approval by the General Assembly.

Sec. 106a. 2022 Acts and Resolves No. 185, Sec. E.134.2 is amended to read:

Sec. E.134.2 3 V.S.A. § 524 is added to read:

§ 524. VERMONT PENSION INVESTMENT COMMISSION SPECIAL FUND

(a) Creation. There is hereby created the Vermont Pension Investment Commission Special Fund, administered by the Vermont Pension Investment Commission, for the purpose of receiving funds transferred to the Commission pursuant to subsection ~~523~~ 522(i) of this title. Monies in the Fund shall be used to pay expenses associated with carrying out the Commission's duties.

* * *

Sec. 106b. 2022 Acts and Resolves No. 185, Sec. E.134.3 is amended to read:

Sec. E.134.3 VERMONT RETIREMENT SYSTEMS AND VERMONT PENSION INVESTMENT COMMISSION; SOURCE OF FUNDS

~~(a) The funds appropriated in Sec. B.134.1 of this act are costs to the State's pension funds and have been considered in each pension systems' actuarial valuations, but have not been included in the funds appropriated in Secs. B.133, B.134, and B.514.1 of this act.~~

~~(b)~~(a) The funds appropriated from the pension systems for administrative costs in Secs. B.133, B.134, and B.514.1 of this act are intended to provide spending authority needed to ~~transfer~~ cover the operating costs of the State's pensions systems, including transferring funds from the State's pension systems to the Treasurers Retirement Admin Costs fund (21520) and to the Vermont Pension Investment Commission Special Fund (21521) to cover the portion of the Treasurer's budget attributable to the State's pension systems and the Vermont Pension Investment Commission's budget.

(1) Of the \$2,456,934 appropriated in Section B.133 of this act, \$1,580,466 constitutes the Vermont State Employees' Retirement System operating budget, and \$876,468 constitutes the portion of the Vermont Pension

Investment Commission's budget attributable to Vermont State Employees' Retirement System.

(2) Of the 1,420,006 appropriated in Section B.134 of this act, \$1,088,606 constitutes the Vermont Municipal Employees' Retirement System operating budget, and \$331,400 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont Municipal Employees' Retirement System.

(3) Of the 2,774,880 appropriated in Section B.514.1 of this act, \$1,846,063 constitutes the Vermont State Teachers' Retirement System operating budget, and \$928,817 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont State Teachers' Retirement System.

Sec. 107. [DELETED].

Sec. 108. [DELETED].

Sec. 109. CARRYFORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, Education Fund, Clean Water Fund (21932), and Agricultural Water Quality Fund (21933) appropriations remaining unexpended on June 30, 2023 in the Executive Branch shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2023 in the Legislative and Judicial Branches shall be carried forward and shall be designated for expenditure.

Sec. 110. EFFECTIVE DATES

This act shall take effect upon passage except that, notwithstanding 1 V.S.A. § 214:

(1) Sec. 63 of this act (regarding the calculation of the fiscal year 2022 transportation fund stabilization reserve requirement) shall take effect retroactively on June 30, 2022;

(2) Sec. 70 of this act (amending 2021 Acts and Resolves No. 74, Sec. D.101(d)) shall take effect retroactively on June 30, 2022;

(3) Sec. 80 (amending 2022 Acts and Resolves No. 183, Sec. 47(d)(3)) shall take effect retroactively on July 1, 2022 and shall apply to applications received on or after that date; and

(4) Sec. 91 (amending 32 V.S.A. § 7811; imposition of tobacco products tax) shall take effect on July 1, 2023, except that 32 V.S.A. § 7811(b)(1) (exemption for cannabis sold by dispensaries) shall take effect retroactively on March 1, 2022.

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

*M. JANE KITCHEL
ANDREW J. PERCHLIK
RICHARD A. WESTMAN*

Committee on the part of the Senate

*DIANE LANPHER
ROBIN SCHEU*

Committee on the part of the House

CONSENT CALENDAR

Concurrent Resolutions for Adoption Under Joint Rules 16a - 16d

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration in that member's chamber prior to adjournment of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Senate Secretary's Office or the House Clerk's Office, as applicable. For text of resolutions, see Addendum to House Calendar.

H.C.R. 42

House concurrent resolution honoring Laura and Lewis Sumner of Halifax for their exemplary municipal public service

H.C.R. 43

House concurrent resolution honoring Ludlow Selectboard Chair Bruce Schmidt for his distinguished civic leadership

H.C.R. 44

House concurrent resolution honoring Philip Carter for his exemplary community service in the Town of Ludlow

H.C.R. 45

House concurrent resolution congratulating the Vermont medal winners at the 2022 National Senior Games and designating March 15, 2023 as Senior Physical Fitness Day at the State House

H.C.R. 46

House concurrent resolution congratulating Tillie Walden of Norwich on her selection as the fifth Vermont Cartoonist Laureate

H.C.R. 47

House concurrent resolution honoring Rotary International for its continuing good works and congratulating the Burlington, Bellows Falls, Montpelier, St. Johnsbury, and Windsor Rotary Clubs on their centennial

For Informational Purposes

CROSSOVER DATES

The Joint Rules Committee established the following crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 17, 2023**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by **Friday, March 17, 2023**.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 24, 2023**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill and the Fee/Revenue bills).

NOTICE OF JFO GRANTS AND POSITIONS

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)(D):

JFO #3138: One (1) limited-service position, Statewide Grants Administrator, to the Agency of Administration, Department of Finance and Management to cover increased grant activity due to the Covid-19 pandemic. The position is funded through Act 185 of 2022. Sec G.801 of the Act appropriates ARPA funds for administrative costs related to the pandemic. This position is funded through 12/31/2026. The grant packet can be found at: <https://ljfo.vermont.gov/assets/grants-documents/ec01b0bea7/JFO-3138-packet.pdf>
[Received February 9, 2023]

JFO #3137: One (1) limited-service position to the Vermont Department of Health, Senior Health Asbestos and Lead Engineer, to perform senior professional level work to educate, advise on and enforce Vermont asbestos and lead control regulations. The position is funded through 9/30/2024 through an existing Environmental Protection Agency grant. The grant packet can be found at: <https://ljfo.vermont.gov/assets/grants-documents/a44b7c8cac/JFO-3137-packet-v2.pdf>
[Received 1/23/2023]

JFO #3136: \$5,000,000.00 to the Agency of Administration, Public Service Department, VT Community Broadband Board (VCBB) from the National Telecommunications and Information Administration, Broadband Equity, Access and Deployment Program to deliver broadband to unserved and underserved areas in Vermont. This is a 5-year grant and will fill in the technical gaps existing in the VCBB's program of broadband deployment. The grant packet can be found at: <https://ljfo.vermont.gov/assets/grants-documents/3d7b96fcb1/JFO-3136-packet.pdf>
[Received 1/23/2023]