

Senate Calendar

THURSDAY, MAY 11, 2023

SENATE CONVENES AT: 10:00 A.M.

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ORDERS OF THE DAY

**ACTION CALENDAR
CONSIDERATION POSTPONED
House Proposal of Amendment**

S. 33.

An act relating to miscellaneous judiciary procedures.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 5014(f) is amended to read:

(f) Repeal. This section shall be repealed on June 30, 2027.

Sec. 2. 4 V.S.A. § 22 is amended to read:

§ 22. DESIGNATION AND SPECIAL ASSIGNMENT OF JUDICIAL
OFFICERS AND RETIRED JUDICIAL OFFICERS

(a)(1) The Chief Justice may appoint and assign a retired Justice or judge with the Justice's or judge's consent or a Superior or Probate judge to a special assignment on the Supreme Court. The Chief Justice may appoint, and the Chief Superior Judge shall assign, an active or retired Justice or a retired judge, with the Justice's or judge's consent, to any special assignment in the Superior Court or the Judicial Bureau.

(2) The Chief Superior Judge may appoint and assign a judge to any special assignment in the Superior Court. ~~As used in~~ For purposes of this subdivision, a judge shall include a Superior judge, a Probate judge, a Family Division magistrate, or a judicial hearing officer, or a judicial master.

* * *

Sec. 3. 4 V.S.A. § 27 is amended to read:

§ 27. COURT TECHNOLOGY SPECIAL FUND

There is established the Court Technology Special Fund ~~which that~~ shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. Administrative fees collected pursuant to 13 V.S.A. § 7252 and revenue collected pursuant to fees established pursuant to sections 1105 and 1109 of this title shall be deposited and credited to this Fund. The Fund shall be available to the Judicial Branch to pay for contractual and operating expenses and project-related staffing not covered by the General Fund related to the following:

(1) ~~The~~ the acquisition and maintenance of software and hardware needed for case management, electronic filing, an electronic document management system, and the expense of implementation, including training;

(2) ~~The~~ the acquisition and maintenance of electronic audio and video court recording and conferencing equipment; and

(3) ~~The~~ the acquisition, maintenance, and support of the Judiciary's information technology network, including training.

Sec. 4. 4 V.S.A. § 27b is amended to read:

§ 27b. ~~ELECTRONICALLY FILED VERIFIED DOCUMENTS SELF-
ATTESTED DECLARATION IN LIEU OF NOTARIZATION~~

(a) ~~A registered electronic filer in the Judiciary's electronic document filing system may file any~~ Any document that would otherwise require the approval or verification of a notary ~~by filing the document~~ may be filed with the following language inserted above the signature and date:

"I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I will be subject to the penalty of perjury or to other sanctions in the discretion of the court."

(b) A document filed pursuant to subsection (a) of this section shall not require the approval or verification of a notary.

(c) This section shall not apply to an affidavit in support of a search warrant application, ~~or to~~ an application for a nontestimonial identification order, an oath required by 14 V.S.A. §108, or consents and relinquishments in adoption proceedings governed by Title 15A.

Sec. 5. 4 V.S.A. § 32 is amended to read:

§ 32. JURISDICTION; CRIMINAL DIVISION

* * *

(c) The Criminal Division shall have jurisdiction of the following civil actions:

* * *

(12) proceedings to enforce 9 V.S.A. chapter 74, relating to energy efficiency standards for appliances and equipment; and

(13) proceedings to enforce 30 V.S.A. § 53, relating to commercial building energy standards.

Sec. 6. 4 V.S.A. § 36(a) is amended to read:

(a) Composition of the court. Unless otherwise specified by law, when in session, a Superior Court shall consist of:

* * *

Sec. 7. 12 V.S.A. § 5 is amended to read:

§ 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

(a) The Court shall not permit public access via the Internet to criminal, family, or probate case records. The Court may permit criminal justice agencies, as defined in 20 V.S.A. § 2056a, Internet access to criminal case records for criminal justice purposes, as defined in 20 V.S.A. § 2056a.

(b) This section shall not be construed to prohibit the Court from providing electronic access to:

(1) court schedules of the Superior Court, or opinions of the Criminal Division of the Superior Court;

(2) State agencies in accordance with data dissemination contracts entered into under ~~Rule 6 of the Vermont Rules of Electronic Access to Court Records~~ Rule 12 of the Vermont Rules for Public Access to Court Records; or

(3) decisions, recordings of oral arguments, briefs, and printed cases of the Supreme Court.

Sec. 8. 12 V.S.A. § 4853a is amended to read:

§ 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING

* * *

(h) If the tenant fails to pay rent into court in the amount and on the dates ordered by the court, the landlord shall be entitled to judgment for immediate possession of the premises. The court shall forthwith issue a writ of possession directing the sheriff of the county in which the property or a portion thereof is located to serve the writ upon the defendant and, not earlier than ~~five~~ seven business days after the writ is served, or, in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 30 days after the writ is served, to put the plaintiff into possession.

Sec. 9. 12 V.S.A. § 5531 is amended to read:

§ 5531. RULES GOVERNING PROCEDURE

(a) The Supreme Court, pursuant to section 1 of this title, shall make rules under this chapter applicable to such Court providing for a simple, informal, and inexpensive procedure for the determination, according to the rules of substantive law, of actions of a civil nature of which they have jurisdiction,

other than actions for slander or libel and in which the plaintiff does not claim as debt or damage more than ~~\$5,000.00~~ \$10,000.00. Small claims proceedings shall be limited in accord with this chapter and the procedures made available under those rules. The procedure shall not be exclusive, but shall be alternative to the formal procedure begun by the filing of a complaint.

(b) Parties may not request claims for relief other than money damages under this chapter. Nor may parties split a claim in excess of ~~\$5,000.00~~ \$10,000.00 into two or more claims under this chapter.

(c) In small claims actions where the plaintiff makes a claim for relief greater than \$3,500.00, the defendant shall have the right to request a special assignment of a judicial officer. Upon making this request, a Superior judge or a member of the Vermont bar appointed pursuant to 4 V.S.A. § 22(b) shall be assigned to hear the action.

(d) Venue in small claims actions shall be governed by section 402 of this title.

(e) Notwithstanding this section or any other provision of law, the small claims court shall not have jurisdiction over actions for collection of any debt greater than \$5,000.00 arising out of:

(1) a consumer credit transaction as defined in 15 U.S.C. § 1679a; or

(2) medical debt as defined in 18 V.S.A. § 9481.

Sec. 10. 12 V.S.A. § 5804 is amended to read:

§ 5804. OATH TO BE ADMINISTERED TO PETIT JURORS IN
CRIMINAL CAUSES

You solemnly swear or affirm that, without respect to persons or favor of any ~~man~~ person, you will well and truly try and true deliverance make, between the State of Vermont and the ~~prisoner at the bar~~ defendant, whom you shall have in charge, according to the evidence given you in court and the laws of the State. So help you God, or under the penalty of perjury pursuant to the laws of the State of Vermont.

Sec. 11. 13 V.S.A. § 3016(c) is amended to read:

(c) A person who commits an act punishable under ~~33 V.S.A. § 2581(a) or (b)~~ 33 V.S.A. § 141(a) or (b) may not be prosecuted under this section.

Sec. 12. 13 V.S.A. § 7403 is amended to read:

§ 7403. APPEAL BY THE STATE

(a) In a prosecution for a misdemeanor, questions of law decided against

the State shall be allowed and placed upon the record before final judgment. The court may pass the same to the Supreme Court before final judgment. The Supreme Court shall hear and determine the questions and render final judgment thereon, or remand the cause for further trial or other proceedings, as justice and the State of the cause may require.

(b) In a prosecution for a felony, the State shall be allowed to appeal to the Supreme Court any decision, judgment, or order dismissing an indictment or information as to one or more counts.

(c) In a prosecution for a felony, the State shall be allowed to appeal to the Supreme Court from a decision or order:

(1) granting a motion to suppress evidence;

(2) granting a motion to have confessions declared inadmissible; or

(3) granting or refusing to grant other relief where the effect is to impede seriously, although not to foreclose completely, continuation of the prosecution.

(d) In making this appeal, the attorney for the State must certify to the court that the appeal is not taken for purpose of delay and that:

(1) the evidence suppressed or declared inadmissible is substantial proof of a fact material in a proceeding; or

(2) the relief to be sought upon appeal is necessary to avoid seriously impeding such proceeding.

(e) The appeal in all cases shall be taken within seven business days after the decision, judgment, or order has been rendered. In cases where the defendant is detained for lack of bail, ~~he or she~~ the defendant shall be released pending the appeal upon such conditions as the court shall order unless bail is denied as provided in the Vermont Constitution or in other pending cases. Such appeals shall take precedence on the docket over all cases and shall be assigned for hearing or argument at the earliest practicable date and expedited in every way.

(f) For purposes of this section, “prosecution for a misdemeanor” and “prosecution for a felony” shall include youthful offender proceedings filed pursuant to 33 V.S.A. chapter 52A, and the State shall have the same right of appeal in those proceedings as it has in criminal proceedings under this section.

Sec. 13. 14 V.S.A. § 3098 is amended to read:

§ 3098. VULNERABLE NONCITIZEN CHILDREN

* * *

(i) Confidentiality. In any judicial proceedings in response to a request that the court make the findings necessary to support a petition for classification as a special immigrant juvenile, information regarding the child's immigration status, nationality, or place of birth that is not otherwise protected by State laws shall remain confidential. This information shall also be exempt from public inspection and copying under the Public Records Act and shall be kept confidential, except that the information shall be available for inspection by the court, the child who is the subject of the proceeding, the parties, the attorneys for the parties, the child's counsel, and the child's guardian.

Sec. 14. 23 V.S.A. § 1213 is amended to read:

§ 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR CERTIFICATE; PENALTIES

* * *

(g) The holder of an ignition interlock RDL or certificate shall operate only motor vehicles equipped with an ignition interlock device, shall not attempt or take any action to tamper with or otherwise circumvent an ignition interlock device, and, after failing a random retest, shall pull over and shut off the vehicle's engine as soon as practicable. A Except as provided in subsection (k) of this section, a person who violates any provision of this section commits a criminal offense, shall be subject to the sanctions and procedures provided for in subsections 674(b)–(i) of this title, and, upon conviction, the applicable period prior to eligibility for reinstatement under section 1209a or 1216 of this title shall be extended by six months.

* * *

(k) A person shall not knowingly and voluntarily tamper with an ignition interlock device on behalf of another person or otherwise assist another person to circumvent an ignition interlock device. ~~A person adjudicated of a violation of~~ who violates this subsection shall be ~~subject to~~ assessed a civil penalty of ~~up to~~ not more than \$500.00.

* * *

Sec. 15. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

(a) The Judicial Bureau is created within the Judicial Branch under the supervision of the Supreme Court.

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(31) Violations of 23 V.S.A. § 1213(k) relating to tampering with an ignition interlock device on behalf of another person.

* * *

Sec. 16. 32 V.S.A. § 1591 is amended to read:

§ 1591. SHERIFFS AND OTHER OFFICERS

There shall be paid to sheriffs' departments and constables in civil causes and to sheriffs, deputy sheriffs, and constables for the transportation and care of prisoners, juveniles, and patients with a mental condition or psychiatric disability the following fees:

(1) Civil process:

(A) For serving each process, the fees shall be as follows:

(i) \$10.00 for each reading or copy in which the officer is directed to make an arrest;

(ii) \$75.00 upon presentation of each return of service for the service of papers relating to divorce, annulments, separations, or support complaints;

(iii) \$75.00 upon presentation of each return of service for the service of papers relating to civil suits except as provided in ~~subdivisions (ii) and subdivision~~ subdivision (vii) of this subdivision (1)(A);

(iv) \$75.00 upon presentation of each return of service for the service of a subpoena and shall be limited to that one fee for each return of service;

(v) for each arrest, \$15.00;

(vi) for taking bail, \$15.00;

(vii) on levy of execution or order of foreclosure: for each mile of actual travel in making a demand, sale, or adjournment, the rate allowed State employees under the terms of the prevailing contract between the State and the Vermont State Employees' Association, Inc.; for making demand, \$15.00 for posting notices, \$15.00 each, and the rate per mile allowed State employees under the terms of the prevailing contract between the State and the Vermont State Employees' Association, Inc. for each mile of necessary travel; for notice of continuance, \$15.00;

* * *

Sec. 17. 33 V.S.A. § 5117 is amended to read:

§ 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

(a) Except as otherwise provided, court and law enforcement reports and files concerning a person subject to the jurisdiction of the court shall be maintained separate from the records and files of other persons. Unless a charge of delinquency is transferred for criminal prosecution under chapter 52 of this title or the court otherwise orders in the interests of the child, such records and files shall not be open to public inspection nor their contents disclosed to the public by any person. However, upon a finding that a child is a delinquent child by reason of commission of a delinquent act that would have been a felony if committed by an adult, the court, upon request of the victim, shall make the child's name available to the victim of the delinquent act. If the victim is incompetent or deceased, the child's name shall be released, upon request, to the victim's guardian or next of kin.

(b)(1) Notwithstanding the foregoing, inspection of such records and files by or dissemination of such records and files to the following is not prohibited:

* * *

(I) the Department for Children and Families; ~~and~~

(J) the Office of the Child, Youth, and Family Advocate for the purpose of carrying out the provisions in chapter 32 of this title;

(K) a service provider named in a disposition order adopted by the court, or retained by or contracted with a party to fulfill the objectives of the disposition order, including referrals for treatment and placement;

(L) a court diversion program or youth-appropriate community-based provider to whom the child is referred by the State's Attorney or the court, if the child accepts the referral; and

(M) other State agencies, treatment programs, service providers, or those providing direct support to the youth, for the purpose of providing supervision or treatment to the youth.

* * *

(d) Such records and files shall be available to:

(1) State's Attorneys and all other law enforcement officers in connection with record checks and other legal purposes; and

(2) the National Instant Criminal Background Check System in connection with a background check conducted on a person under 22 years of age pursuant to 18 U.S.C. § 922(t)(1)(C) and 34 U.S.C. § 40901(I).

* * *

Sec. 18. 33 V.S.A. § 5225 is amended to read:

§ 5225. PRELIMINARY HEARING; RISK ASSESSMENT

* * *

(b) Risk and needs screening.

(1) Prior to the preliminary hearing, the child shall be afforded an opportunity to undergo a risk and needs screening, which shall be conducted by the Department or by a community provider that has contracted with the Department to provide risk and need screenings for children alleged to have committed delinquent acts.

(2) If the child participates in such a screening, the Department or the community provider shall report the risk level result of the screening, the number and source of the collateral contacts made, and the recommendation for charging or other alternatives to the State's Attorney. The State's Attorney shall consider the results of the risk and needs screening in determining whether to file a charge. In lieu of filing a charge, the State's Attorney may refer a child directly to a youth-appropriate community-based provider that has been approved by the Department, which may include a community justice center or a balanced and restorative justice program. Referral to a community-based provider pursuant to this subsection shall not require the State's Attorney to file a charge. If the community-based provider does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the provider, the child's case shall return to the State's Attorney for charging consideration.

(3) Information related to the present alleged offense directly or indirectly derived from the risk and needs screening or from other conversations with the Department or community-based provider shall not be used against the youth in the youth's case for any purpose, including impeachment or cross-examination, provided that the fact of the youth's participation in risk and needs screening may be used in subsequent proceedings.

(4) If a charge is brought in the Family Division, the risk level result shall be provided to the child's attorney.

(c) Referral to diversion. Based on the results of the risk and needs screening, if a child presents a low to moderate risk to reoffend, the State's Attorney shall refer the child directly to court diversion unless the State's Attorney states on the record why a referral to court diversion would not serve the ends of justice. If the court diversion program does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and

timely by the provider, the child's case shall return to the State's Attorney for charging consideration.

* * *

Sec. 19. 33 V.S.A. § 5284 is amended to read:

§ 5284. YOUTHFUL OFFENDER DETERMINATION AND DISPOSITION ORDER

* * *

(c)(1) If the court approves the motion for youthful offender treatment after an adjudication pursuant to subsection 5281(d) of this title, the court:

(1)(A) shall approve a disposition case plan and impose conditions of juvenile probation on the youth; and

(2)(B) may transfer legal custody of the youth to a parent, relative, person with a significant relationship with the youth, or Commissioner, provided that any transfer of custody shall expire on the youth's 18th birthday.

(2) Prior to the approval of a disposition case plan, the court may refer a child directly to a youth-appropriate community-based provider that has been approved by the department and which may include a community justice center or a balanced and restorative justice program. Referral to a community-based provider pursuant to this subdivision shall not require the court to place the child on probation. If the community-based provider does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the provider, the child shall return to the court for further proceedings, including the imposition of the disposition order.

(d) The Department for Children and Families and the Department of Corrections shall be responsible for supervision of and providing services to the youth until ~~he or she~~ the youth reaches 22 years of age. Both Departments shall designate a case manager who together shall appoint a lead Department to have final decision-making authority over the case plan and the provision of services to the youth. The youth shall be eligible for appropriate community-based programming and services provided by both Departments.

Sec. 20. 13 V.S.A. chapter 76A is added to read:

CHAPTER 76A. DOMESTIC TERRORISM

§ 1703. DOMESTIC TERRORISM

(a) As used in this section:

(1) "Domestic terrorism" means engaging in or taking a substantial step

to commit a violation of the criminal laws of this State with the intent to:

(A) cause death or serious bodily injury to multiple persons; or

(B) threaten any civilian population with mass destruction, mass killings, or kidnapping.

(2) “Serious bodily injury” shall have the same meaning as in section 1021 of this title.

(3) “Substantial step” means conduct that is strongly corroborative of the actor’s intent to complete the commission of the offense.

(b) A person who willfully engages in an act of domestic terrorism shall be imprisoned for not more than 20 years or fined not more than \$50,000.00, or both.

(c) It shall be an affirmative defense to a charge under this section that the actor abandoned the actor’s effort to commit the crime or otherwise prevented its commission under circumstances manifesting a complete and voluntary renunciation of the actor’s criminal purpose.

Sec. 21. 13 V.S.A. § 1703 is amended to read:

~~§ 1703. DOMESTIC TERRORISM~~

~~(a) As used in this section:~~

~~(1) “Domestic terrorism” means engaging in or taking a substantial step to commit a violation of the criminal laws of this State with the intent to:~~

~~(A) cause death or serious bodily injury to multiple persons; or~~

~~(B) threaten any civilian population with mass destruction, mass killings, or kidnapping.~~

~~(2) “Serious bodily injury” shall have the same meaning as in section 1021 of this title.~~

~~(3) “Substantial step” means conduct that is strongly corroborative of the actor’s intent to complete the commission of the offense.~~

~~(b) A person who willfully engages in an act of domestic terrorism shall be imprisoned for not more than 20 years or fined not more than \$50,000.00, or both.~~

~~(c) It shall be an affirmative defense to a charge under this section that the actor abandoned his or her effort to commit the crime or otherwise prevented its commission under circumstances manifesting a complete and voluntary renunciation of his or her criminal purpose. [Repealed.]~~

Sec. 22. 20 V.S.A. § 1940(b) is amended to read:

(b) If any of the circumstances in subsection (a) of this section occur, the court with jurisdiction or, as the case may be, the Governor, shall so notify the Department, and the person's DNA record in the State DNA database and CODIS and the person's DNA sample in the State DNA data bank shall be removed and destroyed. The Laboratory shall purge the DNA record and all other identifiable information from the State DNA database and CODIS and destroy the DNA sample stored in the State DNA data bank. If the person has more than one entry in the State DNA database, CODIS, or the State DNA data bank, only the entry related to the dismissed case shall be deleted. The Department shall notify the person upon completing its responsibilities under this subsection, by ~~certified~~ mail addressed to the person's last known address.

Sec. 23. 23 V.S.A. § 1213 is amended to read:

§ 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR CERTIFICATE; PENALTIES

(a)(1) An individual whose license or privilege to operate is suspended or revoked under this subchapter may operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, if issued a valid ignition interlock RDL or ignition interlock certificate. Upon application, the Commissioner shall issue an ignition interlock RDL or ignition interlock certificate to an individual otherwise licensed or eligible to be licensed to operate a motor vehicle if:

(A) the individual submits a \$125.00 application fee;

(B) the individual submits satisfactory proof of installation of an approved ignition interlock device in any motor vehicle to be operated and of financial responsibility as provided in section 801 of this title;

(C) at least one year has passed since the suspension or revocation was imposed if the offense involved death or serious bodily injury to an individual other than the operator; ~~and~~

(D) the applicable period set forth in this subsection has passed since the suspension or revocation was imposed if the offense involved refusal of an enforcement officer's reasonable request for an evidentiary test:

(i) 30 days for a first offense;

(ii) 90 days for a second offense; or

(iii) one year for a third or subsequent offense; and

(E) the individual is serving a suspension pursuant to section 2506 if

the individual was charged with a violation of subdivision 1201(a) of this title and pled guilty to a reduced charge of negligent operation under section 1091 of this title, notwithstanding any points assessed against the individual's driving record for the negligent operation offense under section 2502 of this title.

* * *

Sec. 24. 2017 Acts and Resolves No. 142, Sec. 5, as amended by 2021 Acts and Resolves No. 65, Sec. 4, and further amended by 2021 Acts and Resolves No. 147, Sec. 33, is further amended to read:

Sec. 5. REPEAL

13 V.S.A. §§ 5451 (creation of Vermont Sentencing Commission) and 5452 (creation of Vermont Sentencing Commission) shall be repealed on July 1, ~~2023~~ 2025.

Sec. 25. SENTENCING COMMISSION REPORT

On or before December 15, 2023, the Vermont Sentencing Commission shall report to the Senate and House Committees on Judiciary on whether any modifications should be made to the definitions of stalking in 13 V.S.A. § 1061 or 15 V.S.A. § 5131.

Sec. 26. 10 V.S.A. § 8222 is added to read:

§ 8222. ACCRUAL OF ENVIRONMENTAL CONTAMINATION CLAIMS

(a) A common-law or statutory claim based on environmental contamination shall accrue so long as the contamination remains on or in an affected property or natural resource.

(b) As used in this section:

(1) "Environmental contamination" means any hazardous material or hazardous waste as defined in 10 V.S.A. § 6602, or other substance or material that has the potential to adversely affect human health or the environment (A) on or in an affected property, including in buildings or other structures, or (B) on or in a natural resource.

(2) "Natural resource" has the same meaning as in 10 V.S.A. § 6615d(a)(8).

(c) Nothing in this section shall shorten or otherwise limit any later accrual date that may apply under other source of law.

(d)(1) Except as otherwise provided in this subsection, and notwithstanding 1 V.S.A. §§ 213 and 214, or any other provision of law, this section shall apply

to:

(A) any action or proceeding commenced on or after the effective date of this act; and

(B) any action or proceeding that is pending on the effective date of this act.

(2) This section shall not revive claims subject to a final, nonappealable judgment rendered prior to the effective date of this act.

(3) This section shall not apply to a criminal claim whose limitations period expired prior to the effective date.

Sec. 27. 10 V.S.A. § 8015 is amended to read:

§ 8015. STATUTE OF LIMITATIONS

Notwithstanding any other provision of law, actions brought under this chapter or chapter 211 of this title shall be commenced within the later of:

(1) six years from the date the violation is or reasonably should have been discovered; ~~or~~

(2) six years from the date a continuing violation ceases; or

(3) six years from the date of accrual under section 8222 of this title.

Sec. 28. 13 V.S.A. § 5451 is amended to read:

§ 5451. CREATION OF COMMISSION

(a) The Vermont Sentencing Commission is established for the purpose of overseeing criminal sentencing practices in the State, reducing geographical disparities in sentencing, and making recommendations regarding criminal sentencing to the General Assembly.

(b) The Commission shall consist of the following members:

* * *

(4) the Chair of the Senate Committee on Judiciary or designee;

(5) the Chair of the House Committee on Judiciary or designee;

* * *

Sec. 29. 13 V.S.A. § 3259 is amended to read:

§ 3259. SEXUAL EXPLOITATION OF A PERSON WHO IS BEING INVESTIGATED, DETAINED, ARRESTED, OR IS IN THE CUSTODY OF A LAW ENFORCEMENT OFFICER

(a) No law enforcement officer shall engage in ~~a sexual act~~ sexual conduct as defined in section 2821 of this title with a person whom the officer is detaining, arresting, or otherwise holding in custody or who the officer knows is being detained, arrested, or otherwise held in custody by another law enforcement officer. For purposes of this section “detaining” and “detained” include a traffic stop or questioning pursuant to an investigation of a crime.

(b)(1) No law enforcement officer shall engage in sexual conduct as defined in section 2821 of this title with a person whom the officer:

(A) is investigating pursuant to an open investigation;

(B) knows is being investigated by another law enforcement officer pursuant to an open investigation; or

(C) knows is a victim or confidential informant in any open investigation.

(2) This subsection shall not apply if the law enforcement officer was engaged in a consensual sexual relationship with the person prior to the officer’s knowledge that the person was a suspect, victim, or confidential informant in an open investigation.

(c) A person who violates subsection (a) or (b) of this section shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both.

Sec. 30. 7 V.S.A. § 1005(a)(1) is amended to read:

(a)(1) A person under 21 years of age shall not possess, purchase, or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia unless:

(A) the person is an employee of a holder of a tobacco license and is in possession of tobacco products, tobacco substitutes, or tobacco paraphernalia to effect a sale in the course of employment; or

(B) the person is in possession of tobacco products or tobacco paraphernalia in connection with Indigenous cultural tobacco practices.

Sec. 31. 15 V.S.A. § 1105 is amended to read:

§ 1105. SERVICE

* * *

(b)(1) A defendant who attends a hearing held under section 1103 or 1104 of this title at which a temporary or final order under this chapter is issued and who receives notice from the court on the record that the order has been issued

shall be deemed to have been served. A defendant notified by the court on the record shall be required to adhere immediately to the provisions of the order. ~~However, even when the court has previously notified the defendant of the order, the court shall transmit the order for additional service by a law enforcement agency. The clerk shall mail a copy of the order to the defendant at the defendant's last known address.~~

* * *

Sec. 32. VERMONT SENTENCING COMMISSION REPORT ON
WHETHER TO ELIMINATE CASH BAIL

(a)(1) The Vermont Sentencing Commission, in consultation with the entities designated in subdivision (2) of this subsection, shall identify the conditions that would be required to move toward the elimination of the use of cash bail for the purpose of mitigating risk of flight from prosecution and make a recommendation as to whether cash bail should be eliminated in Vermont. If the Commission proposes to eliminate cash bail, it shall provide a proposal that does so.

(2) The Commission shall solicit input from:

(A) the Vermont Network Against Domestic and Sexual Violence;

(B) the Community Justice Unit of the Office of the Attorney General;

(C) Vermont Legal Aid;

(D) the Vermont Office of Racial Equity;

(E) the Vermont chapter of the American Civil Liberties Union;

(F) the Vermont Freedom Fund; and

(G) national experts on bail reform.

(b) The Commission shall report its findings and recommendations to the General Assembly on or before December 1, 2023.

Sec. 33. EFFECTIVE DATE

This act shall take effect on passage.

**Proposal of amendment to House proposal of amendment to S. 33 to be
offered by Senator Sears**

Senator Sears moves that the Senate concur in the House proposal of amendment with a proposal of amendment as follows:

By inserting a new Sec. 33 to read as follows:

Sec. 33. EXECUTIVE DIRECTOR OF DEPARTMENT OF STATE'S
ATTORNEYS AND SHERIFFS; AUTHORITY TO REASSIGN
FRANKLIN COUNTY STATE'S ATTORNEY'S OFFICE
EMPLOYEES

The Executive Director of the Department of State's Attorneys and Sheriffs is authorized to reassign the supervision of employees in the Franklin County State's Attorney's Office to other State's Attorneys or to the Executive Director's Office until the Executive Committee of the Department of State's Attorneys and Sheriffs determines that the reassignment is no longer necessary.

And by renumbering the remaining section to be numerically correct.

UNFINISHED BUSINESS OF WEDNESDAY, MAY 10, 2023

House Proposal of Amendment

S. 94.

An act relating to the City of Barre tax increment financing district.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Vermont Economic Progress Council * * *

Sec. 1. 32 V.S.A. § 3325 is amended to read:

§ 3325. VERMONT ECONOMIC PROGRESS COUNCIL

(a) Creation. The Vermont Economic Progress Council is created to exercise the authority and perform the duties assigned to it, including its authority and duties relating to:

(1) the Vermont Employment Growth Incentive Program pursuant to subchapter 2 of this chapter; and

(2) tax increment financing districts pursuant to 24 V.S.A. chapter 53, subchapter 5 and section 5404a of this title.

(b) Membership.

(1) The Council shall have 11 voting members:

(A) nine residents of the State appointed by the Governor with the advice and consent of the Senate who are knowledgeable and experienced in the subjects of community development and planning, education funding requirements, economic development, State fiscal affairs, property taxation, or entrepreneurial ventures and represent diverse geographical areas of the State

and municipalities of various sizes;

(B) one member of the Vermont House of Representatives appointed by the Speaker of the House; and

(C) one member of the Vermont Senate appointed by the Senate Committee on Committees.

(2)(A) The Council shall have two regional members from each region of the State, one appointed by the regional development corporation of the region and one appointed by the regional planning commission of the region.

(B) A regional member shall be a nonvoting member and shall serve during consideration by the Council of an application from ~~his or her~~ the member's region.

(3) The Council shall provide not less than 30 days' notice of a vacancy to the relevant appointing authority, which shall appoint a replacement not later than 30 days after receiving notice.

* * *

(e) Operation.

(1) The Governor shall appoint a chair from the Council's members.

(2) The Council shall receive administrative support from the Agency of Commerce and Community Development and the Department of Taxes.

(3) The Council shall have:

(A) an executive director appointed by the Governor with the advice and consent of the Senate who is knowledgeable in subject areas of the Council's jurisdiction and who is an exempt State employee; and

(B) administrative staff.

(4) The Council shall adopt and make publicly available a policy governing conflicts of interest that meets or exceeds the requirements of the State Code of Ethics and shall include:

(A) clear standards for when a member of the Council may participate or must be recused when an actual or perceived conflict of interest exists; and

(B) a provision that requires a witness who is an officer of the State or its political subdivision or instrumentality to disclose a conflict of interest related to an application.

(5) Notwithstanding any provision of law to the contrary, the Council shall not enter an executive session to discuss applications or other matters

pertaining to the Vermont Employment Growth Incentive Program under subchapter 2 of this chapter unless the Executive Branch State economist is present and has been provided all relevant materials concerning the session.

* * *

Sec. 2. 32 V.S.A. § 3326 is amended to read:

§ 3326. COST-BENEFIT MODEL

(a) The Council shall adopt and maintain a cost-benefit model for assessing and measuring the projected net fiscal cost and benefit to the State of proposed economic development activities.

(b) The Council shall not modify the cost-benefit model without the prior approval of the Joint Fiscal Committee.

(c)(1) The Council shall contract with the Executive Branch State economist to perform the cost-benefit analysis using the cost-benefit model when considering an application for incentives under subchapter 2 of this chapter.

(2) The Executive Branch State economist shall consult with the Joint Fiscal Office or its agent concerning the performance of the cost-benefit analysis and the operation of the cost-benefit model for an application:

(A) in which the value of potential incentives an applicant may earn equals or exceeds \$1,000,000.00; or

(B) that qualifies for an enhanced incentive pursuant to section 3334 of this title for a business that is located in a qualifying labor market area.

Sec. 3. 32 V.S.A. § 3340 is amended to read:

§ 3340. REPORTING

(a) On or before September 1 of each year, the Vermont Economic Progress Council and the Department of Taxes shall submit a joint report on the incentives authorized in this subchapter to the House Committees on Ways and Means, on Commerce and Economic Development, and on Appropriations, to the Senate Committees on Finance, on Economic Development, Housing and General Affairs, and on Appropriations, and to the Joint Fiscal Committee.

(b) The Council and the Department shall include in the joint report:

(1) the total amount of incentives authorized during the preceding year;

(2) ~~with respect to~~ for each business with an approved application:

(A) the date and amount of authorization;

(B) the calendar year or years in which the authorization is expected to be exercised;

(C) whether the authorization is active; ~~and~~

(D) the date the authorization will expire; ~~and~~

(E) the number of new qualifying jobs anticipated to be created and the anticipated Vermont gross wages and salaries for each new qualifying job, sorted by the following annualized amounts:

(i) less than \$38,380.00;

(ii) \$38,380.00–\$43,863.00;

(iii) \$43,864.00–\$50,000.00;

(iv) \$50,001.00–\$60,000.00;

(v) \$60,001.00–\$75,000.00;

(vi) \$75,001.00–\$100,000.00; and

(vii) more than \$100,000.00;

(F) the amount of new full-time payroll anticipated to be created; and

(G) NAICS code; and

(3) the following ~~aggregate~~ information:

(A) the number of claims and incentive payments made in the current and prior claim years and the amount of the incentive payment made to each business with an approved claim;

(B) for each approved claim, the number of qualifying jobs and the Vermont gross wages and salaries for each new qualifying job, sorted by the following annualized amounts:

(i) less than \$38,380.00;

(ii) \$38,380.00–\$43,863.00;

(iii) \$43,864.00–\$50,000.00;

(iv) \$50,001.00–\$60,000.00;

(v) \$60,001.00–\$75,000.00;

(vi) \$75,001.00–\$100,000.00; and

(vii) more than \$100,000.00; and

(C) for each approved claim, the amount of new payroll and capital investment.

(c)(1) The Council and the Department shall present data and information in the joint report in a searchable format.

(2) Notwithstanding a provision of this section to the contrary, when reporting data and information pursuant to this section, the Council and Department shall take steps necessary to avoid disclosing any information that would enable the identification of an individual employee or the employee's compensation.

(d) Notwithstanding any provision of law to the contrary, an incentive awarded pursuant to this subchapter shall be treated as a tax expenditure for purposes of chapter 5 of this title.

Sec. 4. 32 V.S.A. § 3341 is amended to read:

§ 3341. CONFIDENTIALITY OF PROPRIETARY BUSINESS INFORMATION

(a) The Vermont Economic Progress Council and the Department of Taxes shall use measures to protect proprietary financial information, including reporting information in an aggregate form.

(b) Information and materials submitted by a business concerning its application, income taxes, and other confidential financial information shall not be subject to public disclosure under the State's public records law in 1 V.S.A. chapter 5, but shall be available to the Joint Fiscal Office or its agent upon authorization of the Joint Fiscal Committee or a standing committee of the General Assembly, and shall also be available to the Auditor of Accounts in connection with the performance of duties under section 163 of this title; provided, however, that the Joint Fiscal Office or its agent and the Auditor of Accounts shall not disclose, directly or indirectly, to any person any proprietary business information or any information that would identify a business except in accordance with a judicial order or as otherwise specifically provided by law.

(c) Nothing in this section shall be construed to prohibit the publication of statistical information, rulings, determinations, reports, opinions, policies, or other information so long as the data are disclosed in a form that cannot identify or be associated with a particular business.

* * * Tax Increment Financing Districts * * *

Sec. 5. 24 V.S.A. § 1891 is amended to read:

§ 1891. DEFINITIONS

~~When~~ As used in this subchapter:

* * *

(4) “Improvements” means the installation, new construction, or reconstruction of infrastructure that will serve a public purpose and fulfill the purpose of tax increment financing districts as stated in section 1893 of this subchapter, including utilities, transportation, public facilities and amenities, land and property acquisition and demolition, and site preparation. “Improvements” also means the funding of debt service interest payments for a period of up to two years, beginning on the date on which the first debt is incurred.

* * *

(7) “Financing” means debt incurred, including principal, interest, and any fees or charges directly related to that debt, or other instruments or borrowing used by a municipality to pay for improvements in a tax increment financing district, only if authorized by the legal voters of the municipality in accordance with section 1894 of this subchapter. Payment for the cost of district improvements may also include direct payment by the municipality using the district increment. However, such payment is also subject to a vote by the legal voters of the municipality in accordance with section 1894 of this subchapter and, if not included in the tax increment financing plan approved under subsection 1894(d) of this subchapter, is also considered a substantial change and subject to the review process provided by subdivision 1901(2)(B) of this subchapter. If interfund loans within the municipality are used as the method of financing, no interest shall be charged. Bond anticipation notes may be used as a method of financing; provided, however, that bond anticipation notes shall not be considered a first incurrence of debt pursuant to subsection 1894(a) of this subchapter.

* * *

(9) “Active district” means a district that has been created pursuant to subsection 1892(a) of this subchapter, has not been terminated pursuant to subsection 1894(a) of this subchapter, and has not retired all district financing or related costs.

Sec. 6. 24 V.S.A. 1892 is amended to read:

§ 1892. CREATION OF DISTRICT

* * *

~~(d) The following municipalities have been authorized to use education tax increment financing for a tax increment financing district:~~

~~(1) the City of Burlington, Downtown;~~

- ~~(2) the City of Burlington, Waterfront;~~
- ~~(3) the Town of Milton, North and South;~~
- ~~(4) the City of Newport;~~
- ~~(5) the City of Winooski;~~
- ~~(6) the Town of Colchester;~~
- ~~(7) the Town of Hartford;~~
- ~~(8) the City of St. Albans;~~
- ~~(9) the City of Barre;~~
- ~~(10) the Town of Milton, Town Core; and~~

~~(11) the City of South Burlington~~ There shall be not more than 14 active districts in the State at any time.

* * *

(h) Annually, based on the analysis and recommendations included in the reports required in this section, the General Assembly shall consider the amount of new long-term net debt that prudently may be authorized for TIF districts in the next fiscal year and determine whether to expand the number of active TIF districts or similar economic development tools ~~in addition to the previously approved districts referenced in subsection (d) of this section and the six additional districts authorized by 32 V.S.A. § 5404a(f) in subsection (d) of this section.~~

Sec. 7. 24 V.S.A. § 1895 is amended to read:

§ 1895. ORIGINAL TAXABLE VALUE

(a) Certification. As of the date the district is created, the lister or assessor for the municipality shall certify the original taxable value and shall certify to the legislative body in each year thereafter during the life of the district the amount by which the total valuation as determined in accordance with 32 V.S.A. chapter 129 of all taxable real property located within the tax increment financing district has increased or decreased relative to the original taxable value.

(b) Boundary of the district. No adjustments to the physical boundary lines of a district shall be made after the approval of a tax increment financing district plan.

Sec. 8. 24 V.S.A. § 1896 is amended to read:

§ 1896. TAX INCREMENTS

(a) In each year following the creation of the district, the listers or assessor shall include ~~no~~ not more than the original taxable value of the real property in the assessed valuation upon which the treasurer computes the rates of all taxes levied by the municipality and every other taxing district in which the tax increment financing district is situated; but the treasurer shall extend all rates so determined against the entire assessed valuation of real property for that year. In each year ~~for which the assessed valuation exceeds the original taxable value~~, the municipality shall hold apart, rather than remit to the taxing districts, that proportion of all taxes paid that year on the real property in the district ~~which~~ that the excess valuation bears to the total assessed valuation. The amount held apart each year is the “tax increment” for that year. ~~No~~ Not more than the percentages established pursuant to section 1894 of this subchapter of the municipal and State education tax increments received with respect to the district and committed for the payment for financing for improvements and related costs shall be segregated by the municipality in a special tax increment financing account and in its official books and records until all capital indebtedness of the district has been fully paid. The final payment shall be reported to the treasurer, who shall thereafter include the entire assessed valuation of the district in the assessed valuations upon which municipal and other tax rates are computed and extended and thereafter no taxes from the district shall be deposited in the district’s tax increment financing account.

* * *

(e) In each year, a municipality shall remit not less than the aggregate tax due on the original taxable value to the Education Fund.

Sec. 9. 32 V.S.A. § 5404a is amended to read:

§ 5404a. TAX STABILIZATION AGREEMENTS; TAX INCREMENT FINANCING DISTRICTS

(a) A tax agreement or exemption shall affect the education property tax grand list of the municipality in which the property subject to the agreement is located if the agreement or exemption is:

* * *

(b)(1) An agreement affecting the education property tax grand list defined under subsection (a) of this section shall reduce the municipality’s education property tax liability under this chapter for the duration of the agreement or exemption without extension or renewal, and for a maximum of 10 years. A municipality’s property tax liability under this chapter shall be reduced by any difference between the amount of the education property taxes collected on the

subject property and the amount of education property taxes that would have been collected on such property if its fair market value were taxed at the equalized nonhomestead rate for the tax year.

(2) Notwithstanding any other provision of law, if a municipality has entered into an agreement that reduces the municipality's education property tax liability under this chapter and the municipality establishes a tax increment financing district under 24 V.S.A. chapter 53, subchapter 5, the municipality's municipal and education tax increment shall be calculated based on the assessed value of the properties in the municipality's grand list and not on the stabilized value.

* * *

(f) A municipality that establishes a tax increment financing district under 24 V.S.A. chapter 53, subchapter 5 shall collect all property taxes on properties contained within the district and apply not more than 70 percent of the State education property tax increment, and not less than 85 percent of the municipal property tax increment, to repayment of financing of the improvements and related costs for up to 20 years pursuant to 24 V.S.A. § 1894, if approved by the Vermont Economic Progress Council pursuant to this section, subject to the following:

(1) In a municipality with one or more approved districts, the Council shall not approve an additional district until the municipality retires the debt incurred for all of the districts in the municipality.

(2) The Council shall not approve more than six districts in the State, and not a district if it will result in the total number of active districts, as defined in 24 V.S.A. § 1891(9), exceeding the limit set forth in 24 V.S.A. § 1892(d) and shall not approve more than two per county, provided:

~~(A) The districts listed in 24 V.S.A. § 1892(d) shall not be counted against the limits imposed in this subdivision (2).~~

~~(B) The Council shall consider complete applications in the order they are submitted, except that if during any calendar month the Council receives applications for more districts than are actually available in a county, the Council shall evaluate each application and shall approve the application that, in the Council's discretion, best meets the economic development needs of the county.~~

~~(C) If, while the General Assembly is not in session, the Council receives applications for districts that would otherwise qualify for approval but, if approved, would exceed the six-district limit in the State, the Council shall make one or more presentations to the Emergency Board concerning the~~

applications, and the Emergency Board may, in its discretion, increase the six-district limit.

* * *

(j)(1) Authority to adopt rules. The Vermont Economic Progress Council is hereby granted authority to adopt rules in accordance with 3 V.S.A. chapter 25 for the purpose of providing clarification and detail for administering the provisions of 24 V.S.A. chapter 53, subchapter 5 and the tax increment financing district provisions of this section. A single rule shall be adopted for all tax increment financing districts that will provide further clarification for statutory construction and include a process whereby a municipality may distribute excess increment to the Education Fund as allowed under 24 V.S.A. § 1900. The rule shall not permit the Council to approve any substantial change request that results in a municipality needing to extend the period to incur debt or retain education property tax increment. From the date the rules are adopted, the municipalities with districts in existence prior to 2006 are required to abide by the governing rule and any other provisions of the law in force; provided, however, that the rule shall indicate which specific provisions are not applicable to those districts in existence prior to January 2006.

* * *

Sec. 10. VERMONT ECONOMIC PROGRESS COUNCIL; TAX INCREMENT FINANCING DISTRICTS; RULE

(a) Pursuant to 32 V.S.A. § 5405(j), on or before October 1, 2024, the Vermont Economic Progress Council shall adopt an amended rule (Vermont Economic Progress Council, Tax Increment Financing Districts Rule (CVR 11-030-022)) to require that the Council shall only approve a municipality's substantial change request if approval does not result in the municipality needing to extend the period to incur debt or retain education property tax increment for its tax increment financing district.

(b) Prior to the amendment of the rule described in subsection (a) of this section, the Vermont Economic Progress Council shall not approve a municipality's substantial change request if approval results in the municipality needing to extend the period to incur debt or retain education property tax increment for its tax increment financing district.

* * * Study of Vermont Economic Growth Incentives * * *

Sec. 11. ECONOMIC DEVELOPMENT INCENTIVES; STUDY

(a) Creation. There is created the Task Force on Economic Development Incentives composed of the following five members:

(1) one member of the House Committee on Commerce and Economic Development and one at-large member with experience in business and economic development appointed by the Speaker of the House of Representatives;

(2) one member of the Senate Committee on Economic Development, Housing and General Affairs and one at-large member with experience in business and economic development appointed by the Senate Committee on Committees; and

(3) one at-large member appointed jointly by the Speaker of the House of Representatives and the Senate Committee on Committees.

(b) Powers and duties. The Task Force shall conduct hearings, receive testimony, and review and consider:

(1) the purpose and performance of current State-funded economic development incentive programs; and

(2) models and features of economic development incentive programs from other jurisdictions, including:

(A) the structure, management, and oversight features of the program;

(B) the articulated purpose, goals, and benefits of the program, and the basis of measuring success; and

(C) the mechanism for providing an economic incentive, whether through a loan, grant, equity investment, or other approach.

(c) Assistance.

(1) The Task Force shall have the administrative, fiscal, and legal assistance of the Office of Legislative Operations, the Joint Fiscal Office, and the Office of Legislative Counsel.

(2) The Task Force may direct the Joint Fiscal Office to issue a request for proposals and enter into one or more agreements for consulting services.

(d) Report. On or before January 15, 2024, the Task Force shall submit a report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action, including whether and how any proposed program addition, revision, or other legislative action would:

(1) integrate with and further advance the current workforce development and economic development systems in this State; and

(2) advance the four principles of economic development articulated in 10 V.S.A. § 3.

(e) Meetings.

(1) The member of the House Committee on Commerce and Economic Development shall call the first meeting of the Task Force to occur on or before September 1, 2023.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Task Force shall cease to exist on January 15, 2024.

(f) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six meetings.

(2) Other members of the Task Force shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings.

Sec. 11a. TASK FORCE ON ECONOMIC DEVELOPMENT INCENTIVES; IMPLEMENTATION

The work of the Task Force on Economic Development Incentives described in Sec. 11 of this act shall be subject to a general fund appropriation in FY 2024 for per diem compensation and reimbursement of expenses for members of the Task Force and for consulting services approved by the Task Force.

* * * Study of Financing Public Infrastructure Improvements * * *

Sec. 12. FINANCING PUBLIC INFRASTRUCTURE IMPROVEMENTS; STUDY COMMITTEE; REPORT

(a) Creation. There is created the Study Committee on Financing Public Infrastructure Improvements to study and make recommendations for new long-term programs or methods to finance infrastructure improvements that will serve a public purpose, incentivize community development, facilitate development of housing, and reverse declining grand list values in Vermont municipalities.

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

(1) two current members of the House of Representatives, appointed by the Speaker of the House;

(2) two current members of the Senate, appointed by the President Pro Tempore;

(3) the Secretary of Administration or designee;

(4) the Secretary of Natural Resources or designee;

(5) the Secretary of Commerce and Community Development or designee;

(6) the Commissioner of Taxes or designee;

(7) the State Executive Economist;

(8) a member, appointed by the Vermont League of Cities and Towns;

(9) a member, appointed by the Vermont Economic Development Authority;

(10) a member, appointed by the Municipal Bond Bank;

(11) the State Treasurer or designee;

(12) one member appointed by the Vermont Association of Planning and Development Agencies;

(13) one member appointed by vote of the regional development corporations; and

(14) one member appointed by the Vermont Council on Rural Development.

(c) Powers and duties.

(1) The Committee shall solicit testimony from a wide range of stakeholders, including representatives from municipalities of a variety of sizes; persons with expertise in planning, rural economic development, and successful infrastructure programs in other parts of the country; persons with expertise in implementing infrastructure projects; and persons with expertise in related incentive programs.

(2) The Committee shall review and consider:

(A) how to align various State and federal funding sources into one streamlined rural infrastructure assistance program or fund; and

(B) the harmonization or expansion of existing infrastructure

improvement programs and the best method for distributing funding, including whether to use a formula-based distribution model, a competitive grant program, or another process identified by the Committee.

(d) Report. On or before December 15, 2023, the Committee shall submit a report to the General Assembly and the Governor with its findings and any recommendations for action concerning the following:

(1) program design;

(2) eligible uses of funding;

(3) sources of revenue to fund the program;

(4) strategies to combine or leverage existing funding sources for infrastructure improvements;

(5) a streamlined and minimal application that is easily accessible to municipalities of all sizes;

(6) selection criteria to ensure funds are targeted to the geographic communities or regions with the most pressing infrastructure needs; and

(7) outreach, technical assistance, and education methods to raise awareness about the program.

(e) Meetings.

(1) The Speaker of the House and the President Pro Tempore shall jointly appoint from among the legislative members of the Committee a person to serve as Chair, who shall call the first meeting of the Committee to occur on or before September 1, 2023.

(2) A majority of the membership shall constitute a quorum.

(3) The Committee shall cease to exist on January 15, 2024.

(f) Assistance. The Committee shall have the administrative, fiscal, and legal assistance of the Office of Legislative Operations, the Joint Fiscal Office, and the Office of Legislative Counsel.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Committee serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than five meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Committee shall be entitled to per diem

compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than five meeting. These payments shall be made from monies appropriated to the Agency of Commerce and Community Development.

* * * City of Barre Tax Increment Financing District * * *

Sec. 13. TAX INCREMENT FINANCING DISTRICT; CITY OF BARRE;
EXTENSION; INCREMENT

(a) Notwithstanding 2021 Acts and Resolves No. 73, Sec. 26a, amending 2020 Acts and Resolves No. 175, Sec. 29, or any other provision of law, the authority of the City of Barre to incur indebtedness is hereby extended to March 31, 2026.

(b) Notwithstanding any other provision of law, the authority of the City of Barre to retain municipal and education tax increment is hereby extended until December 31, 2039.

* * * Town of Hartford Tax Increment Financing District * * *

Sec. 14. 2020 Acts and Resolves No. 111, Sec. 1 is amended to read:

Sec. 1. TAX INCREMENT FINANCING DISTRICT; TOWN OF
HARTFORD

Notwithstanding any other provision of law, the authority of the Town of Hartford to:

(1) incur indebtedness for its tax increment financing district is hereby extended for three years beginning on March 31, 2021. This extension does not extend any period that municipal or education tax increment may be retained until March 31, 2026; and

(2) retain municipal and education tax increment is hereby extended until December 31, 2036.

* * * Vermont Economic Growth Incentive; Sunset * * *

Sec. 15. 2016 Acts and Resolves No. 157, Sec. H.12, as amended by 2022 Acts and Resolves No. 164, Sec. 5, is further amended to read:

Sec. H.12. VEGI; REPEAL OF AUTHORITY TO AWARD
INCENTIVES

Notwithstanding any provision of law to the contrary, the Vermont Economic Progress Council shall not accept or approve an application for a Vermont Employment Growth Incentive under 32 V.S.A. chapter 105, subchapter 2 on or after January 1, ~~2024~~ 2025.

* * * Open Meeting Law; Notice of Executive Session * * *

Sec. 16. 1 V.S.A. § 312 is amended to read:

§ 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

* * *

(d)(1) At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be:

* * *

(4) When a public body knows or reasonably anticipates that the public body will hold an executive session during a meeting, the executive session shall be included in the agenda posted pursuant to subdivision (1) of this subsection.

* * *

* * * Effective Date * * *

Sec. 17. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to miscellaneous changes to the Vermont Economic Progress Council, the Vermont Employment Growth Incentive Program, and tax increment financing district provisions”

NEW BUSINESS

Third Reading

H. 158.

An act relating to the beverage container redemption system.

H. 175.

An act relating to modernizing the Children and Family Council for Prevention Programs.

H. 217.

An act relating to miscellaneous workers’ compensation amendments.

Proposal of amendment to H. 217 to be offered by Senator Lyons before Third Reading

Senator Lyons moves to amend the Senate proposal of amendment as follows:

First: By inserting a new Sec. 8a after Sec. 8 to read as follows:

Sec. 8a. 33 V.S.A. § 3514 is amended to read:

§ 3514. PAYMENT TO PROVIDERS

(a) The Commissioner shall establish a payment schedule for purposes of reimbursing providers for full- or part-time child care services rendered to families who participate in the programs established under section 3512 or 3513 of this title. Payments established under this section shall reflect the following considerations: whether the provider operates a licensed child care facility or a registered family child care home, type of service provided, cost of providing the service, and the prevailing market rate for comparable service. Payments shall be based on enrollment status or any other basis agreed to by the provider and the Division and shall reimburse all providers using the fiscal year 2023 5-STAR rate.

* * *

Second: In Sec. 9, 33 V.S.A. § 3514, by striking out subdivision (a)(2) and inserting a new subdivision (a)(2) to read as follows:

~~(2) Payments shall be based on enrollment status or any other basis agreed to by the provider and the Division and shall reimburse all providers using the fiscal year 2023 5-STAR rate. The Department, in consultation with the Office of Racial Equity and stakeholders, shall adopt rules pursuant to 3 V.S.A. chapter 25 that define “enrollment” and the total number of allowable absences to continue participating in the Child Care Financial Assistance Program. The Department shall minimize itemization of absence categories.~~

H. 227.

An act relating to the Vermont Uniform Power of Attorney Act.

H. 270.

An act relating to miscellaneous amendments to the adult-use and medical cannabis programs.

H. 508.

An act relating to approval of an amendment to the ranked choice voting provisions of the charter of the City of Burlington.

H. 509.

An act relating to approval of amendments to the voter qualification provisions of the charter of the City of Burlington.

Second Reading
Favorable with Proposal of Amendment

H. 125.

An act relating to boards and commissions.

Reported favorably with recommendation of proposal of amendment by Senator White for the Committee on Government Operations.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 2a, government accountability; Summer Government Accountability Committee; report, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Powers and duties. The Summer Government Accountability Committee shall consider the issue of accountability in the Legislative Branch, including the following:

(1) ways to ensure that the Legislative Branch is accountable to the people of Vermont by creating new processes and metrics by which to measure accountability;

(2) ways to ensure equity in pay across commissions, boards, and joint legislative committees based on the nature of the service and required skill level;

(3) ways to ensure equitable participation on boards and commissions and in any public engagement process mandated by the State or General Assembly by providing appropriate compensation and material support; and

(4) codifying mechanisms for controlling and restraining the increasing number of commissions, boards, and joint legislative committees.

Second: By striking out Sec. 4, Vermont Pension Investment Commission, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. 3 V.S.A. § 522 is amended to read:

§ 522. VERMONT PENSION INVESTMENT COMMISSION

* * *

(h) Compensation and reimbursements. Members and alternates of the Commission who are not public employees shall be entitled to per diem compensation as ~~set forth~~ permitted in 32 V.S.A. § 1010 and reimbursement for all necessary expenses that they may incur through service on the Commission from the funds of the retirement systems. The Chair of the

Commission may be compensated from the funds at a level ~~not to exceed one-third of the salary of the State Treasurer~~, as ~~determined~~ recommended by the other members of the Commission and approved through the State budget process.

(i) Assistance and expenses.

(1) ~~The Commission shall have the administrative and technical support of the Office of the State Treasurer.~~

(2) The Commission may collect proportionally from the funds of the three retirement systems and any individual municipalities that have been allowed to invest their retirement funds pursuant to subsection 523(a) of this title, any expenses incurred that are associated with carrying out its duties, and any expenses incurred by the Treasurer's office in support of the Commission.

~~(3)~~(2) The Attorney General shall serve as legal advisor to the Commission.

Third: By adding a reader assistance heading and a new section to be Sec. 4a to read as follows:

* * * Commission on Women Quorum * * *

Sec. 4a. 3 V.S.A. § 5025 is amended to read:

§ 5025. THE COMMISSION ON WOMEN

* * *

(e) ~~Nine members~~ A majority of the currently appointed members of the Commission shall constitute a quorum ~~of the Commission~~. Once a quorum has been established, the vote of a majority of the members present at the time of the vote shall be an act of the Commission.

* * *

Fourth: By adding a reader assistance heading and two new sections to be Secs. 123a and 123b to read as follows:

* * * Regional Emergency Management Committees Quorum * * *

Sec. 123a. 20 V.S.A. § 6 is amended to read:

§ 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT

* * *

(d) Regional emergency management committees shall be established by the Division of Emergency Management.

* * *

(3) A regional emergency management committee shall consist of voting and nonvoting members.

* * *

(C) Meeting quorum requirement. A regional emergency management committee may vote annually, at the committee's final meeting of the calendar year, to modify its quorum requirement for meetings in the subsequent year; provided, however, that the quorum shall be not fewer than 20 percent of voting members.

* * *

Sec. 123b. INTERIM QUORUM

Notwithstanding 20 V.S.A. § 6(d)(3)(C), until December 31, 2023:

(1) not fewer than five voting members of a regional emergency management committee shall constitute a quorum for the conduct of a meeting; and

(2) a regional emergency management committee may vote at any time to modify its quorum requirement for meetings in 2024; provided, however, that the quorum shall be not fewer than 20 percent of voting members.

Fifth: By adding a reader assistance heading and one new section to be Sec. 139a to read as follows:

* * * State Ethics Commission Report on Municipal Ethics * * *

Sec. 139a. REPORT ON MUNICIPAL ETHICS

On or before January 15, 2024, the State Ethics Commission shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with its recommendations for creating a framework for municipal ethics in Vermont. The report shall include a summary of the issues related to creating a framework for municipal ethics in Vermont and a summary of any relevant input received by the Commission in drafting the report. The report shall include specific recommendations on how to best provide cities and towns with informational resources about basic ethics practices. In drafting the report, the Commission may consult with any person it deems necessary to conduct a full and complete analysis of the issue of municipal ethics, including the Vermont League of Cities and Towns and the Office of the Secretary of State.

(Committee vote: 6-0-0)

(For House amendments, see House Journal for March 21, 2023, page 725.)

Reported favorably by Senator Perchlik for the Committee on Appropriations.

(Committee vote: 5-0-2)

H. 472.

An act relating to miscellaneous agricultural subjects.

Reported favorably with recommendation of proposal of amendment by Senator Collamore for the Committee on Agriculture.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 7, 6 V.S.A. § 3024, in the first sentence, after “~~his or her~~” and before “the Secretary’s”, by striking out “or”

Second: In Sec. 8, 6 V.S.A. § 3025, in the first sentence, after “~~his or her~~” and before “the Secretary’s”, by striking out “or”

Third: In Sec. 13, 6 V.S.A. § 3031, in the first sentence, after “~~his or her~~ authorized” and before “Secretary’s”, by inserting the

(Committee vote: 5-0-0)

(No House amendments.)

Reported favorably by Senator Bray for the Committee on Finance.

(Committee vote: 5-0-2)

Reported favorably by Senator Starr for the Committee on Appropriations.

(Committee vote: 5-0-2)

House Proposal of Amendment

S. 112.

An act relating to miscellaneous subjects related to the Public Utility Commission.

The House proposes to the Senate to amend the bill by adding a Sec. 10a to read as follows:

Sec. 10a. RENEWABLE ENERGY STANDARD WORKING GROUP

(a) Established. The Legislative Working Group on Renewable Energy Standard Reform is created to draft legislation to be considered by the General Assembly during the 2024 Legislative session.

(b) Membership.

(1) The Legislative Working Group on Renewable Energy Standard Reform will be convened by two members from the House appointed by the Speaker of the House and two members of the Senate appointed by the Committee on Committees. One member from the House and one member from the Senate shall be the co-chairs of the Work Group.

(2) The Working Group shall also be made up of one representative from each of the following: Green Mountain Power, Burlington Electric Department, Vermont Public Power Supply Authority, Washington Electric Coop, Vermont Electric Coop, Vermont Public Interest Research Group, Renewable Energy Vermont, Conservation Law Foundation, Vermont Electric Power Company, Vermont Housing and Finance Agency, Vermont Natural Resources Council, GlobalFoundries, Associated Industries of Vermont, and the Sierra Club. Stowe Electric and Hyde Park Electric may each name a representative to the Working Group if they choose.

(c) Duties. In addition to submitting draft legislation, the Working Group shall report on the following:

(1) whether any changes to Vermont's existing renewable energy requirements, or other energy policies, are needed to increase grid stability, resiliency, modernization, and reliability;

(2) identifying any barriers to moving to a 100 percent renewable standard for all electrical utilities by 2030;

(3) recommending cost effective procurement policies to increase new renewable energy, storage, and flexible load management to offset increasing in-State load, improve grid stability and resiliency, and that consider integrated resource planning electric load growth projections;

(4) whether increasing the requirement for out-of-state renewable procurements within or delivered into the ISO-New England territory can ensure affordable electric rates;

(5) evaluating the impact legislative recommendations may have on Tier III implementation;

(6) evaluating the impact recommended legislative changes to procurement programs will have on Vermont jobs and the Vermont economy;

(7) how current programs impact environmental justice focus populations, households with low income, and households with moderate income and how a revised Renewable Energy Standard can ensure that benefits and burdens are distributed equitably; and

(8) how any changes to the Renewable Energy Standard will address the inequity of distribution of benefits of renewables between different residential properties.

(d) Assistance.

(1) The Working Group shall have legal assistance from the Office of Legislative Council and administrative assistance from the Office of Legislative Operations.

(2) On or before July 15, 2023, the Joint Fiscal Office may retain the services of one or more independent third parties to provide facilitation and mediation services to the Working Group, and data analysis recommendations at the direction of the legislative members.

(3) The Department of Public Service shall be invited to advise the Working Group on the results of its ongoing public process to review the Renewable Energy Standard and any other items as needed.

(e) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Working Group serving in the legislator's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight meetings.

(2) Other members of the Working Group who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings.

(3) The payments under this subsection (e) shall be made from monies appropriated by the General Assembly.

(f) Report. The Working Group shall submit draft legislation and a report on its deliberations and findings to the House Committee on Environment and Energy and Senate Committee on Natural Resources and Energy by December 1, 2023. Working Group members may submit minority opinions that shall be included with the report containing the draft legislation.

(g) Appropriation. In fiscal year 2024, it is the intent of the General Assembly to appropriate funds if available from the General Fund to the Joint Fiscal Office to hire the consultants pursuant to this section.

S. 115.

An act relating to miscellaneous agricultural subjects.

The House proposes to the Senate to amend the bill by striking out Secs. 8 and 9 (report on municipal regulation of stormwater) in their entireties and inserting in lieu thereof new Secs. 8 and 9 to read as follows:

Sec. 8. 24 V.S.A. § 4414(9) is amended to read:

(9) Stormwater management and control. Any municipality may adopt bylaws to implement stormwater management and control consistent with the program developed by the Secretary of Natural Resources pursuant to 10 V.S.A. § 1264. Municipalities shall not charge an impervious surface fee or other stormwater fee under this subdivision or under other provisions of this title on property regulated under the Required Agricultural Practices for discharges of agricultural waste or agricultural nonpoint source pollution.

Sec. 9. IMPLEMENTATION PROSPECTIVE APPLICATION

Sec. 8 (municipal stormwater fees on agricultural nonpoint source pollution) of this act shall apply prospectively and shall not require a municipality to refund stormwater fees assessed prior to the effective date of this act on properties or activities that are exempt from such fees under 24 V.S.A. § 4414(9) as amended by this act.

S. 138.

An act relating to school safety.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 1, 16 V.S.A. § 1481, in subsection (a), by striking out “The policy shall require options-based response drills, including fire drills, to be conducted following the guidance issued by the Vermont School Safety Center jointly with the Vermont School Crisis Planning Team” and inserting in lieu thereof “The policy shall require age-appropriate options-based response drills, including fire drills, to be conducted following the guidance issued by the Vermont School Safety Center jointly with the Vermont School Crisis Planning Team and shall require notification to parents and guardians not later than one school day before an options-based response drill is conducted”

Second: By striking out Sec. 4, 16 V.S.A. § 1485, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. 16 V.S.A. § 1485 is added to read:

§ 1485. BEHAVIORAL THREAT ASSESSMENT TEAMS

(a) Legislative intent.

(1) It is the intent of the General Assembly that behavioral threat assessment teams be used for the purpose of preventing instances of severe and significant targeted violence against schools and school communities, such as threats related to weapons and mass casualties and bomb threats. The goal of these teams is to assess and appropriately respond to potential reported threats to school communities.

(2) It is the intent of the General Assembly that use of behavioral threat assessment teams shall not contribute to increased school exclusion or unnecessary referrals of students to the criminal justice and school discipline systems and shall not disproportionately impact students from historically marginalized backgrounds, including students with disabilities.

(b) Policy.

(1) As used in this section, “behavioral threat assessment” means a fact-based, systematic process designed to identify, gather information about, assess, and manage dangerous or violent situations.

(2) The Secretary of Education, in consultation with stakeholder groups, including the Commissioner of the Department for Children and Families, Vermont School Boards Association, and Vermont Legal Aid Disability Law Project, shall develop, and from time to time update, a model behavioral threat assessment team policy and procedures. In developing the model policy and procedures, the Secretary shall follow guidance issued by the Vermont School Safety Center on best practices in the use of behavioral threat assessment teams. The model policy and procedure shall require law enforcement contact in the case of imminent danger to individuals or the school community and shall address the following:

(A) the criteria that shall be used to assess a student’s threatening behavior;

(B) the process for reporting threatening behavior;

(C) the civil rights and due process protections to which students are entitled in school settings;

(D) when and how to refer to or involve law enforcement in the limited instances when such referral is appropriate, which shall not include student behavior that is a violation of the school conduct code but that is not also a crime; and

(E) the support resources that shall be made available, including mental health first aid, counseling, and safety plans.

(3) Each school district and each approved or recognized independent school shall develop, adopt, and ensure implementation of a policy and procedures for use of behavioral threat assessment teams that is consistent with and at least as comprehensive as the model policy and procedures developed by the Secretary. Any school board or independent school that fails to adopt such a policy or procedures shall be presumed to have adopted the most current model policy and procedures published by the Secretary.

(4) The Vermont School Safety Center shall issue guidance on the best practices of behavioral threat assessment teams. The guidance shall include best practices on bias and how to reduce incidents of bias, developed in consultation with the Office of Racial Equity.

(c) Discipline and student support.

(1) Consistent with the legislative intent in subsection (a) of this section, if a behavioral threat assessment team recommends, in addition to providing support resources, any action that could result in removal of a student from the student's school environment pending or after a behavioral threat assessment, the recommendation shall only be carried out in a manner consistent with existing law, regulation, and associated procedures on student discipline pursuant to section 1162 of this title and Agency of Education, Pupils (CVR 22-000-009), as well as federal and State law regarding students with disabilities or students who require additional support.

(2) Behavioral threat assessments shall be structured and used in a way that is intended to minimize interaction with the criminal justice system. Law enforcement referral and involvement may be appropriate only in cases involving threats, which shall not include student behavior that is a violation of the school conduct code but that is not also a crime.

(d) Training.

(1) Each supervisory union, supervisory district, and approved or recognized independent school shall ensure behavioral threat assessment team members receive training at least annually in best practices of conducting behavioral threat assessments, as well as bias training. The annual training shall include the following topics:

(A) the rules governing exclusionary discipline, Agency of Education, Pupils (CVR 22-000-009);

(B) the purpose, use, and proper implementation of the manifestation determination review process;

(C) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.; and

other civil rights laws;

(D) the negative consequences of exclusion from school;

(E) the impact of trauma on brain development; and

(F) group bias training, specifically focused on bias in carrying out the duties of the behavioral threat assessment team.

(2) The Agency of Education, in consultation with the Department of Public Safety, shall develop guidance and resources to assist supervisory unions, supervisory districts, and independent schools in providing the annual training required under this subsection. In developing the guidance on bias training for behavioral threat assessment teams, the Agency and Department shall consult with the Vermont Office of Racial Equity.

(e) Data reporting and collection. Annually, each supervisory union, supervisory district, and approved or recognized independent school shall report data related to completion of and outcomes of all behavioral threat assessments and manifestation determination reviews to the Agency in a format approved by the Secretary. At a minimum, the annual report shall include:

(1) the names of the members of the behavioral assessment team;

(2) the number of behavioral threat assessments and manifestation determination reviews conducted in the preceding year and for each assessment or review conducted:

(A) a description of the behavior requiring an assessment;

(B) the age, grade, race, gender, disability status, and eligibility for free or reduced-price school meals of the student requiring the assessment; and

(C) the results of each assessment or review;

(3) the number of students subjected to more than one behavioral threat assessment or manifestation determination review;

(4) the amount of time a student is out of school pending completion of a behavioral threat assessment;

(5) information regarding whether a student subject to a behavioral threat assessment was also subject to exclusionary discipline for the same behavior, including the length of such discipline;

(6) information regarding whether law enforcement was involved in a behavioral threat assessment;

(7) information regarding whether the threatening behavior was also

reported to law enforcement; and

(8) any additional data the Secretary of Education determines may be necessary.

Third: By striking out Sec. 5, effective dates, in its entirety and inserting in lieu thereof a new Sec. 5 to read as follows:

**Sec. 5. BEHAVIORAL THREAT ASSESSMENT TEAMS;
IMPLEMENTATION**

(a) Creation of model policy.

(1) On or before November 1, 2023, the Agency of Education shall issue for public comment a draft model policy and procedures for use by behavioral threat assessment teams required pursuant to 16 V.S.A. § 1485(b)(2).

(2) On or before December 15, 2023, the Agency shall issue, publicly post, and communicate to school districts and independent schools the final model policy and procedures required pursuant to 16 V.S.A. § 1485(b)(2).

(3) School districts and independent schools currently using behavioral threat assessment teams shall update and implement a policy on the use of behavioral threat assessment teams consistent with the model policy created pursuant to 16 V.S.A. § 1485(b)(2) not later than the 2024–2025 school year.

(b) Establishment of behavioral threat assessment teams; training.

(1) School districts and independent schools not already using behavioral threat assessment teams shall take all actions necessary to establish a team not later than July 1, 2025, including:

(A) identifying and training team members, which shall include group bias training and the training requirements contained in 16 V.S.A. § 1485(d);

(B) adopting a behavioral threat assessment team policy;

(C) establishing procedures for proper, fair, and effective use of behavioral threat assessment teams;

(D) updating and exercising emergency operations plans; and

(E) providing education to the school community on the purpose and use of behavioral threat assessment teams.

(2) School districts and independent schools currently using behavioral threat assessment teams shall certify compliance with the training requirements contained in 16 V.S.A. § 1485(d) on or before the first day of the 2023–2024

school year.

(3) The Agency of Education and Department of Public Safety shall issue guidance and offer training necessary to assist school districts and independent schools with implementation of this subsection.

(c) The Agency of Education shall establish guidelines necessary to collect the data required pursuant to 16 V.S.A. § 1485(e). Each supervisory union, supervisory district, and independent school using behavioral threat assessment teams as of July 1, 2023 shall comply with the data collection requirements under 16 V.S.A. § 1485(e) beginning in the 2023–2024 school year.

(d) Reports.

(1) On or before January 15, 2024, the Agency of Education, in consultation with the Vermont School Safety Center, shall issue a written report on the status of the implementation of the duties and requirements established pursuant to 16 V.S.A. § 1485, including the status of:

(A) the development of the model policy;

(B) updates to training and guidance documents;

(C) updates on training and professional development requirements for behavioral threat assessment teams;

(D) data collected or voluntarily reported to the Agency or Center;

(E) the guidance issued, training developed, and measures implemented to prevent a disproportionate impact of behavioral threat assessments on historically marginalized students, including students with disabilities, to ensure that use of behavioral threat assessments does not increase use of school removals or law enforcement referrals for these populations, as well as plans for future training and guidance; and

(F) any grants or funding secured to support the implementation or proper use of behavioral threat assessment teams.

(2) On or before January 15, 2025, the Agency of Education, in consultation with the Vermont School Safety Center, shall issue a written report on the status of the implementation of the duties and requirements established pursuant to 16 V.S.A. § 1485, including the status of:

(A) data collected from supervisory unions, supervisory districts, and independent schools for the 2023–2024 school year;

(B) completion of the development of the model policy; and

(C) additional guidance, training, and other measures to prevent

disproportionate impacts on historically marginalized students, including students with disabilities, as well as plans for future training and guidance.

(3) On or before January 15, 2024, the Agency of Education shall submit a written report with any recommended legislative language from the policy stakeholder work undertaken during the creation of the model policy and accompanying guidance and training materials required pursuant to 16 V.S.A. § 1485.

Fourth: By adding a new section to be Sec. 6 to read as follows:

Sec. 6. EFFECTIVE DATES

(a) This section and Sec. 5 shall take effect on July 1, 2023.

(b) Secs. 1 (16 V.S.A. § 1481) and 3 (16 V.S.A. § 1484) shall take effect on August 1, 2023.

(c) Sec. 2 (16 V.S.A. § 1480) shall take effect on July 1, 2024.

(d) Sec. 4 (16 V.S.A. § 1485) shall take effect on July 1, 2025.

NOTICE CALENDAR

Second Reading

Favorable with Proposal of Amendment

H. 429.

An act relating to miscellaneous changes to election laws.

Reported favorably with recommendation of proposal of amendment by Senator Hardy for the Committee on Government Operations.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Sore Loser Law * * *

Sec. 1. 17 V.S.A. § 2381(c) is added to read:

(c) In no event shall a candidate who loses a major party primary be nominated to appear on the general election ballot pursuant to this subchapter by a committee of any party other than the party for which the candidate appeared on the primary ballot.

Sec. 2. 17 V.S.A. § 2401 is amended to read:

§ 2401. APPLICABILITY OF SUBCHAPTER

(a) A person may be nominated and have ~~his or her~~ the person's name

printed on the general election ballot for any office by filing a consent similar in form to the consent prescribed by section 2361 of this title and a statement of nomination with the Secretary of State. In the case of a nomination for justice of the peace, the consent form and statement of nomination shall be filed with the town clerk.

(b) A candidate who loses a major party primary for any office shall not appear on the general election ballot as an independent candidate for the same office for which the candidate lost in the primary election.

* * * Campaign Finance Limits for Statewide Candidates * * *

Sec. 3. 17 V.S.A. § 2941(a) is amended to read:

§ 2941. LIMITATIONS OF CONTRIBUTIONS

(a) In any election cycle:

* * *

(5)(A) A political party shall not accept contributions totaling more than:

(A)(i) \$10,000.00 from a single source;

(B)(ii) \$10,000.00 from a political committee; or

(C)(iii) \$60,000.00 from a political party.

(B) Notwithstanding subdivision (A) of this subdivision (a)(5), a political party shall accept not more than \$20,000.00 from a candidate for State office.

* * *

* * * Biennial Committee Reorganization Reporting * * *

Sec. 4. 17 V.S.A. § 2313 is amended to read:

§ 2313. FILING OF CERTIFICATE OF ORGANIZATION

* * *

(f) At the same time of filing the certificate of organization, the chair and secretary shall file with the Secretary of State a single machine-readable electronic document containing a list of the names and addresses of the town and county committee members from those towns and counties that have organized pursuant to this chapter.

(g) A committee is not considered organized until the material required by this section has been filed and accepted.

Sec. 5. [Deleted.]

* * * Candidate Demographic Information * * *

Sec. 6. 17 V.S.A. § 2359 is amended to read:

§ 2359. NOTIFICATION TO SECRETARY OF STATE

(a) Within three days after the last day for filing petitions, all town and county clerks who have received petitions shall ~~notify~~ file with the Secretary of State of the names of all candidates, a list containing the name, gender, age, race or ethnicity, mailing address, and e-mail address of all candidates, to the extent this information is provided by candidates; the offices for which ~~they~~ the candidates have filed; and whether each candidate has submitted a sufficient number of valid signatures to comply with the requirements of section 2355 of this title. Town and county clerks shall also notify the Secretary of State of any petitions found not to conform to the requirements of this chapter and returned to a candidate under section 2358 of this title, and shall notify the Secretary of State of the status of such ~~petition~~ petitions not later than two days after the last day for filing supplementary petitions.

(b) Information of a candidate's gender, age, or race or ethnicity collected pursuant to subsection (a) of this section is exempt from public inspection and copying under the Public Records Act and shall be kept confidential, except that the Secretary of State may publish information pertaining to candidates' gender, age, or race or ethnicity in aggregate form.

Sec. 7. 17 V.S.A. § 2361(b) is amended to read:

(b)(1) The consent shall set forth the ~~name of the candidate,~~ candidate's name as the candidate wishes to have it printed on the ballot, the candidate's gender, age, or race or ethnicity, town of residence, and correct mailing address, and e-mail address. A candidate who does not provide information pertaining to gender, age, or race or ethnicity may still appear on the ballot if all other requirements are met.

* * *

Sec. 8. 17 V.S.A. § 2665 is amended to read:

§ 2665. NOTIFICATION TO SECRETARY OF STATE

The town clerk shall file with the Secretary of State a list ~~of the names and addresses of the selectboard members elected and~~ containing the name, gender, age, race or ethnicity, street address, and e-mail address, to the extent the information is provided by the candidate, and the end date of the term of office of each selectboard member, city councilor, village trustee, and mayor elected. The town clerk shall not be required to ask the candidate for information

pertaining to gender, age, or race or ethnicity if this information is not provided to the town clerk. The town clerk shall notify the Secretary of State of any changes in the list as filed. Information of a candidate's gender, age, or race or ethnicity collected pursuant to this subsection is exempt from public inspection and copying under the Public Records Act and shall be kept confidential, except that the Secretary of State may publish information pertaining to candidates' gender, age, or race or ethnicity in aggregate form.

* * * Write-in Candidate Registration and Minimum Thresholds in Primary Elections * * *

Sec. 9. 17 V.S.A. § 2370 is amended to read:

§ 2370. WRITE-IN CANDIDATES

(a)(1) In order to have votes listed for a write-in candidate under subdivision 2587(e)(3) of this title, not later than 5:00 p.m. on the second Friday preceding the primary election, a write-in candidate for the General Assembly, any county office, any State office, or any federal office shall file with the Secretary of State a form consenting to candidacy for office as set forth in subsection 2587(e) of this title. The Secretary of State shall notify the town clerks of any filings made in accordance with this subsection not later than the Friday before the election.

(b) A write-in candidate shall not qualify as a primary winner unless ~~he or she~~ the candidate receives at least one-half the higher of:

(1) 10 percent of the votes cast for candidates plus one additional vote;
or

(2) the same number of votes as the number of signatures required for ~~his or her~~ the candidate's office on a primary petition, except that if a write-in candidate receives more votes than a candidate whose name is printed on the ballot, ~~he or she may~~ the write-in candidate shall qualify as a primary winner.

(~~b~~)(c) The write-in candidate who qualifies as a primary winner under this section must still be determined a winner under section 2369 of this chapter before ~~he or she~~ the candidate becomes the party's candidate in the general election.

Sec. 9a. 17 V.S.A. § 2472(b)(6) is added to read:

(6) In order to have votes listed for a write-in candidate under subdivision 2587(e)(3) of this title, not later than 5:00 p.m. on the second Friday preceding the general election, a write-in candidate for the General Assembly, any county office, any State office, or any federal office shall file with the Secretary of State a form consenting to candidacy for office as set

forth in subsection 2587(e) of this title. The Secretary of State shall notify the town clerks of any filings made in accordance with this subsection not later than the Friday before the election.

Sec. 9b. 17 V.S.A. § 2587(e) is amended to read:

(e)(1) In the case of “write-in” votes, the act of writing in the name of a candidate, or pasting a label containing a candidate’s name upon the ballot, without other indications of the voter’s intent, shall constitute a vote for that candidate, even though the voter did not fill in the square or oval after the name.

(2)(A) A vote for a write-in candidate shall be counted as a write-in vote that is without consent of candidate unless the write-in candidate filed a consent of candidate form with the Secretary of State in accordance with section 2370 of this title in the primary election, subsection 2472(b) of this title for the general election, and subsection § 2702(f) of this title for the presidential primary. The consent form shall set forth the name of the candidate, the name of the office for which the candidate consents to be a candidate, the candidate’s town of residence, and the candidate’s correct mailing address. The clerk shall record the name and vote totals of a write-in candidate who has filed in accordance with section 2370 of this title in the primary election, subsection 2472(b) of this title for the general election, and subsection § 2702(f) of this title for the presidential primary.

(B) The Secretary of State shall prepare and furnish forms for candidate consent purposes.

(3) The election officials counting ballots and tallying results shall only list every person who receives a “write-in” vote and the number of votes received the names and votes received of those write-in candidates who consented to candidacy for the office pursuant to section 2370 of this title in the primary election, subsection 2472(b) of this title for the general election, and subsection 2702(f) of this title for the presidential primary. Any write-in votes for candidates who have not consented to the write-in candidacy shall be listed as “write-ins.”

* * *

Sec. 9c. 17 V.S.A. § 2702(f) is added to read:

(f) In order to have votes counted for a write-in candidate under section 2587 of this title, not later than 5:00 p.m. on the second Friday preceding the presidential primary election, a write-in candidate for nomination by any major political party shall file with the Secretary of State a form consenting to candidacy for office as set forth in subsection 2361(b) of this title. The

Secretary of State shall notify the town clerks of any filings made in accordance with this subsection not later than the Friday before the election.

* * * Electronic Ballot Returns * * *

Sec. 9d. 17 V.S.A. § 2539 is amended to read:

§ 2539. DELIVERY OF EARLY VOTER ABSENTEE BALLOTS

* * *

(c) Military or overseas voters.

* * *

(3) “Overseas voters,” as used in this section, means a person who is qualified to vote in Vermont and resides outside the United States, meaning the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa, and military voters who by reason of active military duty are absent from the United States.

Sec. 10. 17 V.S.A. § 2542 is amended to read:

§ 2542. SIGNING CERTIFICATE

(a) There shall be printed on the face of the envelope provided for use in returning early voter absentee ballots, or provided in an electronic format if a ballot is electronically delivered pursuant to subsection 2539(b) or (c) of this title, a certificate in substantially the following form:

“Early or Absentee Voter Ballots of _____”

(print your name)

I, _____, solemnly swear or affirm that I am a resident of the town (city) of _____, State of Vermont, and that I am a legal voter in this town (city).

(your signature)

(b) The early or absentee voter, except a voter returning a ballot electronically pursuant to subsection 2543(d) of this title, must sign the certificate on the outside of the envelope in order for the ballot to be valid. When an early or absentee voter is physically unable to sign ~~his or her~~ the voter’s name, ~~he or she~~ the voter may mark an “X” or take an oath swearing or affirming to the statement on the certificate. The officers who deliver the ballots shall witness the mark or oath and sign their names with a statement attesting to this fact on the envelope.

Sec. 11. 17 V.S.A. § 2543 is amended to read:

§ 2543. RETURN OF BALLOTS

* * *

(d)(1) All early voter absentee ballots returned as follows shall be counted:

(A) by any means, to the town clerk's office before the close of business on the day preceding the election;

(B) to any secure ballot drop box provided by the town or city in which the voter is registered pursuant to section 2543a of this subchapter before the close of business on the day before the election;

(C) by mail to the town clerk's office before the close of the polls on the day of the election; and

(D) by hand delivery to the presiding officer at the voter's polling place before the closing of the polls at 7:00 p.m.

(2)(A) All ballots electronically delivered pursuant to subsection 2539(b) or (c) of this title to voters with disabilities, as defined in 9 V.S.A. 4501(2), and overseas voters, as defined in subdivision 2539(c)(3) of this title, and returned as follows shall be counted:

(i) by means of a secure online portal administered by the Secretary of State, directly to the clerk before the close of business on the last day the clerk's office is open prior to the election; and

(ii) with electronic signature on the certificate required pursuant to section 2542 of this title prior to submitting the ballot to the clerk.

(B) A ballot electronically delivered pursuant to subsection 2539(b) or (c) of this title to voters with disabilities, as defined in 9 V.S.A. 4501(2), and overseas voters, as defined in subdivision 2539(c)(3) of this title, and then returned pursuant to subdivision (A) of this subdivision (d)(2) shall be printed by the clerk and processed in the same manner as all other early or absentee ballots and in accordance with the procedures prescribed by this subchapter.

(C) The voter shall be notified when a ballot electronically delivered pursuant to subsection 2539(b) or (c) of this title to voters with disabilities, as defined in 9 V.S.A. 4501(2), and overseas voters, as defined in subdivision 2539(c)(3) of this title, and then returned pursuant to subdivision (A) of this subdivision (d)(2) is received and printed by the clerk pursuant to subdivision (B) of this subdivision (d)(2).

(3) An early voter absentee ballot returned in a manner other than those set forth in subdivision (1) or (2)(A) of this subsection shall not be counted.

* * *

* * * Delinquent Disclosures for Candidates for State Office, County Office,
State Senator, and State Representative * * *

Sec. 11a. 17 V.S.A. chapter 49, subchapter 4 is amended to read:

Subchapter 4. Miscellaneous Provisions

* * *

§ 2414. CANDIDATES FOR STATE, COUNTY, AND LEGISLATIVE
OFFICE; DISCLOSURE FORM

(a) Each candidate for State office, county office, State Senator, or State Representative shall file with the officer with whom consent of candidate forms are filed, along with ~~his or her~~ the candidate's consent, a disclosure form prepared by the State Ethics Commission that contains the following information in regard to the previous calendar year:

* * *

(c) In addition, each candidate for State office shall attach to the disclosure form described in subsection (a) of this section a copy of ~~his or her~~ the candidate's most recent U.S. Individual Income Tax Return Form 1040; provided, however, that the candidate may redact from that form the following information:

(1) the candidate's Social Security number and that of ~~his or her~~ the candidate's spouse, if applicable;

(2) the names of any dependent and the dependent's Social Security number; ~~and~~

(3) the signature of the candidate and that of ~~his or her~~ the candidate's spouse, if applicable;

(4) the candidate's street address; and

(5) any identifying information and signature of a paid preparer.

(d)(1) A senatorial district clerk or representative district clerk who receives a disclosure form under this section shall forward a copy of the disclosure to the Secretary of State within three business days ~~of~~ after receiving it.

(2)(A) The Secretary of State shall post a copy of any disclosure forms and tax returns ~~he or she~~ the Secretary receives under this section on ~~his or her~~ the Secretary's official State website. The forms shall remain posted on the Secretary's website until the date of the filing deadline for petition and consent

forms for major party candidates for the statewide primary in the following election cycle.

* * *

(e) As used in this section:

(1) “County office” means the office of assistant judge, probate judge, sheriff, high bailiff, and State’s Attorney.

(2) “Domestic partner” means an individual with whom the candidate has an enduring domestic relationship of a spousal nature, as long as the candidate and the domestic partner:

* * *

(2)(3) “Lobbyist” and “lobbying firm” shall have the same meanings as in 2 V.S.A. § 261.

§ 2415. FAILURE TO FILE; PENALTIES

(a) If any disclosure required of a candidate for State office, county office, State Senator, or State Representative by section 2414 of this title is not filed by the time frames set forth in sections 2356, 2361, and 2402 of this title, the candidate for State office, county office, State Senator, or State Representative shall be addressed as follows:

(1) The State Ethics Commission shall issue a notice of delinquency to the candidate for State office, county office, State Senator, or State Representative for any disclosure required of a candidate for State office, county office, State Senator, or State Representative by section 2414 of this title that is not filed by the time frames set forth in sections 2356, 2361, and 2402 of this title.

(2) Following notice of delinquency sent by the State Ethics Commission to the candidate for State office, county office, State Senator, or State Representative, the candidate shall have five working days from the date of the issuance of the notice to cure the delinquency.

(3) Beginning six working days from the date of notice, the delinquent candidate for State office, county office, State Senator, or State Representative shall pay a \$10.00 penalty for each day thereafter that the disclosure remains delinquent; provided, however, that in no event shall the amount of any penalty imposed under this subdivision exceed \$1,000.00.

(4) The State Ethics Commission may reduce or waive any penalty imposed under this section if the candidate for State office, county office, State Senator, or State Representative demonstrates good cause, as determined by

the State Ethics Commission and in the sole discretion of the State Ethics Commission.

(b) The Commission shall send a notice of delinquency to the e-mail address provided by the candidate for State office, county office, State Senator, or State Representative in their consent of candidate form.

(c) The State Ethics Commission may avail itself of remedies available under the Vermont Setoff Debt Collection Act, as set forth in 32 V.S.A. chapter 151, subchapter 12, to collect any unpaid penalty.

(d)(1) A candidate for State office, county office, State Senator, or State Representative who files a disclosure with intent to defraud, falsify, conceal, or cover up by any trick, scheme, or device a material fact, or with intent to defraud make any false, fictitious, or fraudulent claim or representation as to a material fact, or with intent to defraud make or use any writing or document knowing the same to contain any false, fictitious, or fraudulent claim or entry as to a material fact shall be considered to have made a false claim for the purposes of 13 V.S.A. § 3016.

(2) Pursuant to 3 V.S.A. § 1223 and § 2904a of this title, complaints regarding any candidate for State office, county office, State Senator, or State Representative who fails to properly file a disclosure required under this subchapter, may be filed with the State Ethics Commission. The Executive Director of the State Ethics Commission shall refer complaints to the Attorney General or to the State's Attorney of jurisdiction for investigation, as appropriate.

* * * Electronic Ballots Return Report * * *

Sec. 11b. ELECTRONIC BALLOTS RETURN; REPORT

On or before January 15, 2025, the Secretary of State, in consultation with the Secretary of Digital Services, the Vermont Municipal Clerks' and Treasurers' Association, and other relevant stakeholders as determined by the Secretary of State, shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with an assessment of the electronic ballot return system as modified by 2023 amendments to 17 V.S.A. §§ 2542 and 2543, including any identified issues and recommendations for correcting any issues or improving related voting processes.

* * * Opt-in Ranked-Choice Voting System for Town, Cities,
and Villages * * *

Sec. 11c. 17 V.S.A. chapter 55, subchapter 4 is added to read:

Subchapter 4. Ranked-Choice Voting

§ 2691a. DEFINITIONS

As used in this subchapter:

(1) “Active candidate” means a candidate who has not been eliminated and who is not a withdrawn candidate.

(2) “By lot” means a method, determined by the Secretary of State, for randomly choosing between two or more active candidates.

(3) “Highest-ranked active candidate” means the active candidate assigned a higher ranking than any other active candidate.

(4) “Inactive ballots” means ballots that do not count as votes for any candidate due to one or more of the reasons listed in subdivision 2691d(c)(2) of this title.

(5) “Overvote” means an instance in which a voter assigned the same ranking to more than one candidate.

(6) “Ranking” means the number available to be assigned by a voter to a candidate to express the voter’s choice for that candidate. The number “1” is the highest ranking, followed by “2” and then “3” and so on.

(7) “Round” means an instance of the sequence of voting tabulation in accordance with section 2691d of this title.

(8) “Skipped ranking” means a voter does not assign a certain available ranking to any candidate but does assign a subsequent available ranking to a candidate.

(9) “Undervote” means a ballot on which a voter does not assign any ranking to any candidate in a particular contest.

(10) “Withdrawn candidate” means any candidate who has submitted a declaration of withdrawal in writing to the presiding officer, the effectiveness of which begins when filed with the presiding officer.

§ 2691b. RANKED-CHOICE VOTING SYSTEM; APPLICATION

(a) Application.

(1) The provisions of the ranked-choice voting system described in this subchapter shall only apply to the election of a candidate running for an office in a town, city, or village if:

(A) a town, city, or village has voted to elect officers by the Australian ballot system pursuant to section 2680 of this title and is using the Australian ballot system in accordance with subsection 2680 of this title;

(B) that town, city, or village uses vote tabulators for the registering and counting of votes in local elections pursuant to section 2491 of this title; and

(C) that town, city, or village has adopted the ranked-choice voting system described in this subchapter by a vote of the town, city, or village at its annual meeting or at a special meeting called for that purpose.

(2) Notwithstanding subdivision (1)(B) of this subsection, if the Secretary of State suspends the use of vote tabulators and requires the hand count of votes in an election pursuant to subdivision 2491(d)(1) of this title after 60 days prior to an election, the provisions of the ranked-choice voting system described in this subchapter shall still apply to the election of a candidate running for an office in a town, city, or village who otherwise meets the requirements of subdivisions (1)(A) and (1)(C) of this subsection.

(b) Duration. Once a town, city, or village votes to adopt the ranked-choice voting system described in this subchapter, this ranked-choice voting system shall be used in that manner until the town, city, or village votes to discontinue use of the system.

§ 2691c. RANKED-CHOICE VOTING SYSTEM; BALLOTS

Notwithstanding any contrary provisions in section 2681a of this title, a ballot for an election using the ranked-choice system in a town, city, or village shall allow voters to rank candidates in order of ordinal preference.

(1) The names of all candidates on the ballot shall be listed in alphabetical order.

(2) The ballot shall allow voters to assign rankings to candidates that are equal to the number of printed candidate names and blank write-in lines.

§ 2691d. RANKED-CHOICE VOTING TABULATION

(a) Tabulation rounds. In any election of a candidate running for an office in a town, city, or village, each ballot shall count as one vote for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds, as follows:

(1) Elections with one winner.

(A) If there are two or fewer active candidates, then tabulation is complete, and the candidate with the most votes is declared the winner of the election.

(B) If there are more than two active candidates, the active candidate with the fewest votes is eliminated, the votes for the eliminated candidate are

transferred to each ballot's next-ranked active candidate, and a new round begins.

(2) Elections with multiple winners.

(A) If the number of active candidates is equal to the number of seats available plus one, then tabulation is complete, and the candidates with the most votes are declared the winners of the election.

(B) If the number of active candidates is more than the number of seats available plus one, then the active candidate with the fewest votes is eliminated, the votes for the eliminated candidate are transferred to each ballot's next-ranked active candidate, and a new round begins.

(3) Ties.

(A) If there is a tie between two active candidates with the fewest votes, the tie shall be resolved by lot to determine which candidate is defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

(B) If there is a tie between the final active candidates, the presiding officer shall notify each active candidate involved in the tie, or the candidate's designee, to be present at the presiding officer's office or at the polling place at a certain time. At that time, the presiding officer shall select the winner of the tabulation by lot.

(b) Withdrawn candidates. Ranking orders containing withdrawn candidates shall be treated the same as ranking orders containing candidates who have been eliminated from tabulation.

(c) Inactive ballots and undervotes.

(1) In any round of tabulation, an inactive ballot does not count for any candidate and is not considered a vote for the purposes of determining which active candidate has the majority of the active votes in the final round of tabulation pursuant to subsection (a) of this section.

(2) A ballot is an inactive ballot if any of the following is true:

(A) The ballot does not rank any active candidates and is not an undervote.

(B) The ballot has reached an overvote.

(C) The ballot has reached two consecutive skipped rankings.

(3) An undervote does not count as either an active or inactive ballot in any round of tabulation.

§ 2691e. RANKED-CHOICE VOTING RESULTS REPORTING

In addition to any other information required by law to be reported with final results, the following shall be made public:

(1) the total number of votes each candidate received in each round of the official tabulation, including votes for withdrawn candidates; and

(2) the total number of ballots that became inactive in each round because they did not contain any active candidates, reached an overvote, or reached two consecutive skipped rankings, reported as separate figures.

§ 2691f. MUNICIPAL ORDINANCES

Municipalities shall have the power to adopt ordinances pursuant to 24 V.S.A. chapter 59 for the purpose of the proper and efficient administration of the ranked-choice voting system in towns, cities, and villages, provided such ordinances do not controvert the provisions of this subchapter.

Sec. 11d. FIRST PERMISSIBLE ELECTION USING RANKED-CHOICE VOTING SYSTEM

A town, city, or village may only use the ranked-choice voting system described in 17 V.S.A. chapter 55, subchapter 4 beginning at the 2024 annual meeting of that town, city, or village and then thereafter. A town, city, or village may nevertheless adopt pursuant to 17 V.S.A. § 2691b(a) a ranked-choice voting system in advance of the 2024 annual meeting.

* * * Voter and Presiding Officer Education * * *

Sec. 11e. VOTER AND PRESIDING OFFICER EDUCATION; SECRETARY OF STATE'S OFFICE

The Secretary of State shall make available to voters in a town, city, or village that has adopted ranked-choice voting pursuant to 17 V.S.A. § 2691b information regarding the ranked-choice process and provide to presiding officers in those towns, cities, and villages training in order to assist them in implementing that process.

* * * Ranked-Choice Voting Study Committee * * *

Sec. 11f. RANKED-CHOICE VOTING; RANKED-CHOICE VOTING STUDY COMMITTEE; REPORT

(a) Creation. There is created the Ranked-Choice Voting Study Committee to examine issues in implementing ranked-choice voting in Vermont across all elections for State and federal office.

(b) Membership. The Ranked-Choice Voting Study Committee shall be

composed of the following members:

(1) two current members of the House of Representatives, not from the same political party, who shall be appointed by the Speaker of the House;

(2) two current members of the Senate, not from the same political party, who shall be appointed by the Committee on Committees;

(3) one designee, appointed by the Secretary of State;

(4) three designees, appointed by the Vermont Municipal Clerks' and Treasurers' Association, from different-sized towns, cities, and villages, different regions, and at least one shall be from a town, city, or village that use a hand count in elections;

(5) one designee, appointed by the Vermont League of Cities and Towns;

(6) a member of an organization focused on the conduct of elections, who shall be appointed by the Speaker of the House; and

(7) a member of a different organization focused on the conduct of elections, who shall be appointed by the Senate Committee on Committees.

(c) Powers and duties. The Ranked-Choice Voting Study Committee shall study ranked-choice voting systems with the goals of having recommendations, if any, for the implementation of ranked-choice voting for all primary or general elections for state or federal office occurring in 2026, including the following issues:

(1) education of voters;

(2) training of town clerks, presiding officers, and election staff;

(3) election integrity, security, and transportation of ballots;

(4) technological requirements in tabulators, hardware, and software;

(5) methodology of ranked-choice voting systems;

(6) canvassing of votes and roles of canvassing committees;

(7) post-election processes and reporting; and

(8) other items relating to the design and implementation of ranked-choice voting systems.

(d) Assistance. The Ranked-Choice Voting Study Committee shall have the administrative, technical, and legal assistance of the Vermont Office of Legislative Counsel and the Vermont Legislative Joint Fiscal Office.

(e) Report. On or before January 15, 2024, the Ranked-Choice Voting

Study Committee shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with its findings and any recommendations for legislative action.

(f) Meetings.

(1) A member of the House of Representatives designated by the Speaker of the House shall call the first meeting of the Ranked-Choice Voting Study Committee to occur on or before August 1, 2023.

(2) The Ranked-Choice Voting Study Committee shall select a chair from among its legislative members at the first meeting.

(3) A majority of the members of the Ranked-Choice Voting Study Committee shall constitute a quorum.

(4) The Ranked-Choice Voting Study Committee shall cease to exist on November 1, 2024.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Ranked-Choice Voting Study Committee serving in the legislator's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than four meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Ranked-Choice Voting Study Committee who are not paid for their services by the organization for which the member is representing on the Ranked-Choice Voting Study Committee shall be entitled to per diem compensation as permitted under 32 V.S.A. § 1010 for not more than four meetings. These payments shall be made from monies appropriated to the Office of the Secretary of State.

(h) Appropriation. The sum of \$1,000.00 is appropriated to the Office of the Secretary of State from the General Fund in fiscal year 2024 for per diem compensation for members of the Committee.

* * * Ranked-Choice Voting for Presidential Primary Elections * * *

Sec. 11g. REDESIGNATION

17 V.S.A. §§ 2705 and 2706 are redesignated as 17 V.S.A. §§ 2710 and 2711.

Sec. 11h. 17 V.S.A. chapter 57, subchapter 1 is amended to read:

Subchapter 1. Presidential Primary

§ 2700. DEFINITIONS

As used in this subchapter:

(1) “Active candidate” means a candidate who has not been eliminated and who is not a withdrawn candidate as set forth in subdivision (12) of this section.

(2) “By lot” means a method, determined by the Secretary of State, for randomly choosing between two or more active candidates.

(3) “Highest-ranked active candidate” means the active candidate assigned a higher ranking than any other active candidate.

(4) “Inactive ballots” means ballots that do not count as votes for any candidate due to one or more of the reasons listed in subdivision 2706(c)(2) of this title.

(5) “Major political party” has the same meaning as in subdivision 2103(23)(A) of this title.

(6) “Overvote” means an instance in which a voter assigned the same ranking to more than one candidate.

(7) “Ranking” means the number available to be assigned by a voter to a candidate to express the voter’s choice for that candidate. The number “1” is the highest ranking, followed by “2,” and then “3,” and so on.

(8) “Round” means an instance of the sequence of voting tabulation in accordance with section 2706 of this title.

(9) “Skipped ranking” means a voter does not assign a certain available ranking to any candidate but does assign a subsequent available ranking to a candidate.

(10) “Threshold for receiving delegates” means the number of votes necessary for a candidate to receive delegates in a presidential primary election conducted in accordance with subdivision 2705(a)(2) of this title.

(11) “Undervote” means a ballot on which a voter does not assign any ranking to any candidate in a particular contest.

(12) “Withdrawn candidate” means any candidate who has submitted a declaration of withdrawal in writing to the Secretary of State, the effectiveness of which begins when filed with the Secretary of State.

§ 2701. PRESIDENTIAL PRIMARY; TIME OF HOLDING; FORM OF
BALLOT

In presidential election years, a presidential primary for each major political party shall be held in all municipalities on the first Tuesday in March. The

Secretary of State shall prepare and distribute for use at the primary an official ranked-choice ballot for each party for which one or more candidates qualify for the placing of their names on the ballot under section 2702 of this title. Ballots shall be printed on index stock and configured to be readable by vote tabulators.

* * *

§ 2704. RANKED-CHOICE VOTING; BALLOTS

(a) A presidential primary election for a major political party shall be conducted by ranked-choice voting.

(b) A person voting at the primary shall be required to ask for the ranked-choice ballot of the party in which the voter wishes to vote, and an election official shall record the voter's choice of ballot by marking the entrance checklist with a letter code, as designated by the Secretary of State, to indicate the voter's party choice.

(1) The ballot shall allow voters to rank candidates in order of choice. The names of all candidates on the ballot shall be listed in alphabetical order. Each voter may vote for one candidate for the presidential nomination of one party, either by placing a mark opposite the printed name of a candidate as in other primaries, or by writing in the name of the candidate of the voter's choice.

(2) The ballot shall allow voters to assign rankings to candidates that are equal to the number of printed candidate names and blank write-in lines, except to the extent established by the Secretary pursuant to section 2709 of this title.

§ 2705. TYPE OF RANKED-CHOICE VOTING

(a) At least 150 days before the date of the presidential primary election, the State committee of each major political party shall confirm in writing with the Secretary of State whether the party will award delegates either:

(1) on a winner-take-all basis in accordance with subsection 2706(d) of this title; or

(2) on a proportional basis in accordance with subsection 2706(e) of this title, in which case the party shall also indicate the applicable threshold or thresholds for receiving delegates.

(b) If a party fails to provide notice, or its notice does not specify how the party will award its delegates, the presidential primary election for that party shall be tabulated on a winner-take-all basis in accordance with subsection 2706(d) of this title.

(c) At least 120 days before the date of the presidential primary election, the Secretary of State shall confirm with the State committee of each political party that the State is capable of implementing the party's preferences as declared under subsection (a) of this section or shall notify the State committee of any feasibility constraints that could prevent the State from implementing the party's preferences.

§ 2706. RANKED-CHOICE VOTING TABULATION

(a) Tabulation rounds. In any presidential primary election for a major political party, each ballot shall count as one vote for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds. Each round proceeds sequentially as described in subsection (d) or (e) of this section, as applicable.

(b) Withdrawn candidates. Ranking orders containing withdrawn candidates shall be treated the same as ranking orders containing candidates who have been eliminated from tabulation.

(c) Inactive ballots and undervotes.

(1) In any round of tabulation, an inactive ballot does not count for any candidate and is not considered a vote for the purposes of determining either which active candidate has majority of the active votes in the final round of tabulation pursuant to subsection (d) of this section or which active candidates possess a vote total above the threshold for receiving delegates pursuant to subsection (e) of this section.

(2) A ballot is an inactive ballot if any of the following is true:

(A) The ballot does not rank any active candidates and is not an undervote.

(B) The ballot has reached an overvote.

(C) The ballot has reached two consecutive skipped rankings.

(3) An undervote does not count as either an active or inactive ballot in any round of tabulation.

(d) Award of delegates on winner-take-all basis. If a major political party awards all of the State's delegates to a single candidate on a winner-take-all basis, tabulation shall proceed as follows:

(1) If there are two or fewer active candidates, then tabulation is complete and the candidate with the most votes is declared the winner of the election.

(2) If there are more than two active candidates, the active candidate

with the fewest votes is eliminated, the votes for the eliminated candidate are transferred to each ballot's next-ranked active candidate, and a new round begins.

(3) If there is a tie between two active candidates with the fewest votes, the tie shall be resolved by lot to determine which candidate is defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

(4) If there is a tie between the final two active candidates, the Secretary of State shall notify each active candidate involved in the tie, or the candidate's designee, to be present at the Secretary of State's office at a certain time. At that time, the Secretary of State shall select the winner of the tabulation by lot.

(e) Award of delegates on proportional basis. If a major political party awards the State's delegates to multiple candidates on a proportional basis, tabulation shall proceed as follows:

(1) If the vote total of every active candidate is above the threshold for receiving delegates as confirmed by the major political party pursuant to subdivision 2705(a)(2) of this title, then tabulation is complete.

(2) If any active candidate is below the threshold for receiving delegates, then the active candidate with the fewest votes is eliminated, votes for the eliminated candidate are transferred to each ballot's next-ranked active candidate, and a new round begins.

(3) If there is a tie between two active candidates with the fewest votes and tabulation is not yet complete, the tie shall be resolved by lot to determine which candidate is defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

(f) Certification of tabulation rounds. The Secretary of State shall certify the results of each round tabulated pursuant to subsection (d) or (e) of this section, as applicable, along with any other information required under section 2707 of this title, to the State chairperson and the national committee of each political party that had at least one candidate on the State-administered presidential primary election ballot to allocate national delegate votes in accordance with the party's State and national rules.

(g) Nothing in this act shall be construed to preclude a political party from allocating delegates according to its own rules for allocating such delegates.

§ 2707. RANKED-CHOICE VOTING RESULTS REPORTING

(a) Unofficial preliminary round-by-round results shall be released as soon

as feasible after the polls close and at regular intervals thereafter until the counting of ballots is complete. Unofficial preliminary round-by-round results shall be clearly labeled as preliminary and, to the extent feasible, shall include the percent of ballots counted to date.

(b) In addition to any other information required by law to be reported with final results, the following shall be made public:

(1) the total number of votes each candidate received in each round of the official tabulation, including votes for withdrawn candidates; and

(2) the total number of ballots that became inactive in each round because they did not contain any active candidates, reached an overvote, or reached two consecutive skipped rankings, reported as separate figures.

(c) If a major political party allocates delegates by geographical unit or district, round-by-round results by geographical unit or district shall be made public in addition to state-wide results.

§ 2708. CANVASSING COMMITTEE CERTIFICATES

When the canvassing committee provided for in section 2592 of this title prepares its certificate of election for a presidential primary election for a major political party, the canvass shall state the number of final round votes received by each candidate who has received votes in the final round of tabulation.

Sec. 11i. 17 V.S.A. § 2709 is added to read:

§ 2709. RULEMAKING

The Secretary of State shall adopt rules pursuant to 3 V.S.A. chapter 25 for the proper and efficient administration of presidential primary elections, including procedures for ensuring that voting tabulators, voting tabulator memory cards, and related software are able to tabulate rank-choice voting when necessary; procedures for ensuring that the number of rankings allowed to voters be uniform across the State for any given contest, that the number of rankings allowed in any given contest be the maximum number allowed by the equipment, and that the number of rankings allowed be not fewer than three in any event; procedures for the release of round-by-round results; procedures for requesting and conducting recounts of the results of presidential primary elections for major candidates; and procedures for filing returns in accordance with section 2588 of this title.

* * * Vote Tabulators; Returns * * *

Sec. 11j. TALLY SHEETS; SUMMARY SHEETS; RETURNS

The Secretary of State shall ensure that on or before January 1, 2028, all tally sheets, summary sheets, and returns described in 17 V.S.A. § 2586 are designed to record ranked-choice voting results in accordance with this act.

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that Secs. 11g (redesignation) and 11h (amending 17 V.S.A. chapter 57, subchapter 1) shall take effect on January 1, 2027, and Secs. 11i (rulemaking) and 11j (tally sheets; summary sheets; returns) shall take effect on January 1, 2025.

(Committee vote: 4-2-0)

(For House amendments, see House Journal for March 2, 2023, page 381 and March 3, 2023, page 402.)

Reported favorably by Senator Perchlik for the Committee on Appropriations.

(Committee vote: 7-0-0)

H. 480.

An act relating to property valuation and reappraisals.

Reported favorably with recommendation of proposal of amendment by Senator Hardy for the Committee on Government Operations.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Reappraisals * * *

Sec. 1. 32 V.S.A. § 4041a is amended to read:

§ 4041a. REAPPRAISAL

* * *

(b) If the Director of Property Valuation and Review determines that a municipality's education grand list is ~~at a common level of appraisal below 85 percent or above 115 percent,~~ or has a coefficient of dispersion greater than 20, the municipality shall reappraise its education grand list properties. If the Director orders a reappraisal, the Director shall send the municipality written notice of the decision. The municipality shall be given 30 days to contest the

finding under procedural rules adopted by the Director, or to develop a compliance plan, or both. If the Director accepts a proposed compliance plan submitted by the municipality, the Director shall not order commencement of the reappraisal until the municipality has had one year to carry out that plan.

* * *

~~(d) A sum not to exceed \$100,000.00 each year shall be paid from the Education Fund to the Division of Property Valuation and Review for the purpose of providing assessment education for municipal assessing officials. The Director is authorized to establish guidelines and requirements for education programs to be provided using the funds described in this section. Education programs provided using funds described in this section shall be provided at no cost or minimal cost to the municipal assessing officials. In addition to providing the annual education programs as described in this section, up to 20 percent of the amount available for education programs may be reserved as a scholarship fund to permit municipal assessing officials to attend national programs providing education opportunities on advanced assessment topics. All applications for scholarships shall be submitted to and approved by the Director. [Repealed.]~~

* * *

Sec. 2. 32 V.S.A. § 4041a is amended to read:

§ 4041a. REAPPRAISAL

* * *

(b) If the Director of Property Valuation and Review determines that a municipality's education grand list has a coefficient of dispersion greater than 20 or that a municipality has not timely reappraised pursuant to subsection (d) of this section, the municipality shall reappraise its education grand list properties. If the Director orders a reappraisal, the Director shall send the municipality written notice of the decision. The municipality shall be given 30 days to contest the finding under procedural rules adopted by the Director or to develop a compliance plan, or both. If the Director accepts a proposed compliance plan submitted by the municipality, the Director shall not order commencement of the reappraisal until the municipality has had one year to carry out that plan.

* * *

(d) Each municipality shall commence a full reappraisal not later than six years after the commencement of the municipality's most recent full reappraisal unless a longer period of time is approved by the Director.

* * *

Sec. 3. ONE-TIME APPROPRIATION; DEPARTMENT OF TAXES

In fiscal year 2024, \$50,000.00 shall be appropriated from the General Fund to the Department of Taxes to contract with one or more consultants with expertise in statewide reappraisal systems to assist the Department in preparing the implementation proposal required under this act.

Sec. 4. IMPLEMENTATION PROPOSAL AND PROGRESS REPORT;
STATEWIDE REAPPRAISALS; GRAND LIST PROPERTIES;
DEPARTMENT OF TAXES

(a) On or before December 15, 2023, the Department of Taxes shall submit in writing to the House Committees on Government Operations and Military Affairs and on Ways and Means and the Senate Committees on Finance and on Government Operations a progress report on the first six months of work on the implementation plan and recommendations required under subsection (b) of this section. The progress report shall include the following:

(1) With regard to the proposal to implement a statewide reappraisal system, a preliminary schedule to phase in full reappraisals for each municipality every six years with the first municipalities scheduled to reappraise with a completion date on or before April 1, 2027. In setting the proposed six-year reappraisal schedule, the Department shall prioritize the following factors:

- (A) municipalities for which the last year of reappraisal is the oldest;
- (B) the geographic proximity of municipalities; and
- (C) any other relevant municipal data metrics.

(2) With regard to the recommendations on obtaining detailed, accurate, and consistent data on all properties throughout the State, a study of existing municipal data metrics that could be used to identify and differentiate between properties on the municipal and statewide education grand lists based on property types and characteristics, including use, occupancy or vacancy, square footage, and any other relevant factors.

(3) Options for and any implementation of implicit bias reduction training for listers and assessors.

(b)(1) On or before December 15, 2024, in consultation with relevant stakeholders, including groups that represent individuals from different socioeconomic backgrounds and that promote diversity, equity, and inclusion, the Department of Taxes shall submit in writing to the House Committees on Government Operations and Military Affairs and on Ways and Means and the

Senate Committees on Finance and on Government Operations:

(A) a detailed implementation proposal for creating a statewide system to conduct reappraisals of municipal and statewide education grand lists administered by the State within the Division of Property Valuation and Review of the Department of Taxes; and

(B) recommendations to distinguish between different types and uses of property on the municipal and statewide education grand lists and a detailed proposal for designating new or updated property types and integrating them into the municipal and statewide education grand lists, as applicable, and the overall property taxation system beginning on January 1, 2026.

(2) The written submission required under this subsection shall identify and recommend the means to achieve consistency in property valuation and taxation across the State in order to prioritize the elimination of racial, socioeconomic, and other implicit biases. Pursuant to this subdivision, the Department shall review and revise State training programs and guidance provided to listers and assessors, including the Vermont Department of Taxes, Division of Property Valuation and Review publication titled “Lister and Assessor Handbook A Guide for Vermont Listers and Assessors,” for instances of racial, socioeconomic, and other implicit biases and report on any revisions made or planned to be made to those training programs and guidance.

(3) The implementation proposal required under subdivision (1)(A) of this subsection regarding the creation of a statewide reappraisal system shall make recommendations and propose legislative language, as applicable or needed to achieve the Department’s recommendations, regarding the following:

(A) Adequate funding, including cost-saving measures and potentially reallocating the revenues from the per-parcel fee under 32 V.S.A. § 4041a(a) to operate a statewide reappraisal system. The implementation proposal shall address staffing costs for hiring or contracting with trained assessors, or both, to carry out reappraisals and hearing officers to hold appeals at locations across the State.

(B)(i) Administration of full and statistical reappraisals of each municipality’s municipal and statewide education grand list, including:

(I) selection and prioritization criteria;

(II) any proposed adjustments to the coefficient of dispersion threshold that causes a reappraisal order pursuant to 32 V.S.A. § 4041a;

(III) the frequency and efficacy of conducting full and statistical reappraisals on a set schedule; and

(IV) any other recommendations for establishing a reappraisal schedule.

(ii) The implementation proposal shall list the municipalities that, at the time of passage of this act, have been ordered to reappraise pursuant to 32 V.S.A. § 4041a for the longest period of time and propose the means to prioritize a first State-level reappraisal for those municipalities' grand lists, provided no municipality shall be required to reappraise in fewer than six years after completion of the most recent full reappraisal. The implementation proposal shall further list the municipalities that have recently undergone or are currently undergoing a reappraisal and propose the means to ensure that those municipalities' grand lists are not scheduled for a first State-level reappraisal in fewer than six years after completion of the most recent full reappraisal.

(C) Creation of a reappraisal appeal structure that:

(i) ensures impartiality and installs procedural safeguards against conflicts of interest;

(ii) ensures all communities have convenient and reasonable access to State appeal hearings, regardless of the geographical location of the appellant;

(iii) based on a study of other State administrative appeal structures, incorporates the strengths and advantages of those appeal structures; and

(iv) takes into consideration any other matters identified by the Department relating to appeals, including a recommendation on potentially narrowing or eliminating the role of Boards of Civil Authority within the appraisal appeal process.

(D) Streamlining, integrating, and updating State and municipal software vendor agreements and information technology systems relating to reappraisals and maintaining municipal and statewide education grand lists, including the integration of any new or updated property types into municipal and statewide education grand lists, as applicable, and the overall property taxation system beginning on January 1, 2026. The implementation proposal shall further estimate costs and analyze any other considerations regarding software vendor agreements.

(E) Existing definitions and data metrics currently gathered by municipal Computer Assisted Mass Appraisal (CAMA) systems and the potential for using those definitions and data to collect information on the number of residential units, land value distinct from the value of buildings or

other improvements on the land, the year of construction for buildings or other improvements, and any other pertinent data relating to properties in this State.

(F) Distinguishing between contiguous parcels for purposes of property valuation and the payment of the per-parcel fee under 32 V.S.A. § 5405(f).

(G) Incentivizing municipalities to submit grand list parcel map data to the Vermont Center for Geographic Information, including conditioning payment of higher per grand list parcel fees on the submission of data.

(H) Incorporating the principles of a high-quality tax system into a potential statewide reappraisal system as enumerated by the National Conference of State Legislatures, “Tax Policy Handbook for State Legislators” (February 2010), 3rd ed., including sustainability, reliability, fairness, simplicity, economic competitiveness, tax neutrality, and accountability.

(4) The recommendations and detailed proposal required under subdivision (1)(B) of this subsection regarding new or updated property types that apply to municipal and statewide education grand lists and the overall property taxation system shall include the following:

(A)(i) Legislative language, as applicable or needed to achieve the Department’s recommendations, that differentiates between grand list properties based on property type and characteristics, including use, occupancy or vacancy, square footage, and any other relevant factors. The detailed proposal shall recommend how certain property types and characteristics could be identified and data could be collected, including:

(I) different types of rental and affordable housing properties;

(II) the number of residential units in this State, including the number of residential units per parcel;

(III) land value distinct from the value of buildings or other improvements on the land;

(IV) the year of construction for buildings or other improvements; and

(V) any other pertinent data relating to properties in this State.

(ii) The recommendation under this subdivision (4)(A) shall consider the way that existing municipal and statewide education grand list property categories used for purposes of the equalization study could be reconfigured and consolidated and any other means to identify properties in order to obtain detailed, accurate, and consistent data on all properties throughout the State.

(B) Updating existing information technology systems or creating a new data collection and reporting system, or both, and creating a designation process for integrating different property types into the municipal and statewide education grand lists and the overall property taxation system in a detailed, accurate, and consistent way that takes into consideration the compliance and administrative burdens placed on both property owners and municipal and State administrators. The detailed proposal shall provide clear and actionable guidance on any new or updated property types and the designation process for both property owners and municipal listers and assessors.

(C) Assistance during the transition period for municipal listers and assessors with conducting the initial designation, data collection, and reporting of any new or updated property types.

(D) Integration of new or updated property types into a potential statewide reappraisal system and into the overall property taxation system.

Sec. 5. 2022 Acts and Resolves No. 163, Sec. 8(2) is amended to read:

(2) Sec. 3 (State appraisal and litigation assistance program) shall take effect on July 1, 2023, ~~provided the General Assembly has, on or before July 1, 2023, appropriated funding to cover the Department of Taxes' operating costs required to create, implement, and maintain a new State appraisal and litigation assistance program.~~

* * * Lister and Appraiser Education * * *

Sec. 6. 32 V.S.A. § 3436 is amended to read:

§ 3436. ASSESSMENT EDUCATION

(a) The Director shall certify assessment education programs for municipal listers and assessors at convenient times and places during the year and is authorized to contract with one or more persons to provide part or all of the assessment instruction. Certified programs shall include education on racial disparities in property valuation outcomes in the United States, with a focus on Vermont in particular, and on-going bias reduction training. Certified programs may include instruction in lister duties, property inspection, data collection, valuation methods, mass appraisal techniques, property tax administration, or such other subjects as the Director deems beneficial to listers and both mandatory and optional certified programs may be presented by Property Valuation and Review or a person pursuant to a contract with Property Valuation and Review, the International Association of Assessing Officials, the Vermont Assessors and Listers Association, or the Vermont League of Cities and Towns.

(b) The Director shall establish designations recognizing levels of achievement and the necessary course work or evaluation of equivalent experience required to attain each designation. Designation for any one level shall be for a period of three years.

(c) Designation obtained under subsection (b) of this section may be renewed for three-year periods upon completion of requirements as determined by the ~~director~~ Director.

(d) The Director shall also notify all towns annually of any new approaches that the Division of Property Valuation and Review is aware of for obtaining or performing mass reappraisals and for grand list maintenance.

(e) A sum not to exceed \$100,000.00 each year shall be paid from the Education Fund to the Division of Property Valuation and Review for the purpose of providing assessment education for municipal listers and assessors. The Director is authorized to establish guidelines and requirements for education programs to be provided using the funds described in this section. Education programs provided using funds described in this section shall be provided at no cost or minimal cost to the municipal listers and assessors. In addition to providing the annual education programs described in this section, up to 20 percent of the amount available for education programs may be reserved as a scholarship fund to permit municipal listers and assessors to attend national programs providing education opportunities on advanced assessment topics. All applications for scholarships shall be submitted to and approved by the Director.

Sec. 7. 32 V.S.A. § 4052 is amended to read:

§ 4052. ~~CONTRACT APPRAISALS; CERTIFICATION~~ ASSESSOR
QUALIFICATIONS

(a) ~~No municipality shall employ or contract a person, firm, or corporation shall be employed by a municipality~~ to perform appraisals of real property for the purpose of property taxation unless approved by the Director of Property Valuation and Review as qualified under this section.

(b) No person shall conduct the work of an assessor employed or contracted by a municipality pursuant to 17 V.S.A. § 2651c(b) unless the person meets the training requirements established by the Director of Property Valuation and Review under this section.

(c) The Director shall establish by rule reasonable qualifications for approval and training requirements, which shall include successful completion of educational and training courses approved by the Director and, in the case of an appraiser hired to do a townwide reappraisal, at least one year's

experience with an appraiser who has satisfactorily completed townwide reappraisals.

~~(e)~~(d) This section shall not apply to elected or appointed officials of any town but shall apply to an assessor employed or contracted by a municipality pursuant to 17 V.S.A. § 2651c(b).

Sec. 8. 32 V.S.A. § 4052 is amended to read:

§ 4052. CONTRACT APPRAISALS; ASSESSOR AND LISTER
QUALIFICATIONS

(a) No municipality shall employ or contract a person, firm, or corporation to perform and no elected lister or board of listers shall perform appraisals of real property for the purpose of property taxation unless approved by the Director of Property Valuation and Review as qualified under this section.

(b) No person shall conduct the work of an elected lister, board of listers, or assessor employed or contracted by a municipality pursuant to 17 V.S.A. § 2651c(b) unless the person meets the training requirements established by the Director of Property Valuation and Review under this section. An elected lister or board of listers who does not meet the training requirements of this section at the time of election shall have one year after entering into the duties of the office of lister to comply with this section.

* * *

~~(d) This section shall not apply to elected or appointed officials of any town but shall apply to an assessor employed or contracted by a municipality pursuant to 17 V.S.A. § 2651c(b). [Repealed.]~~

Sec. 9. 17 V.S.A. § 2651c is amended to read:

§ 2651c. LACK OF ELECTED LISTER; APPOINTMENT OF LISTER;
ELIMINATION OF OFFICE; HIRING ASSESSORS

(a)(1) Notwithstanding any other provisions of law to the contrary and except as provided in subsection (b) of this section, in the event the board of listers of a town falls below a majority and the selectboard is unable to find a person or persons to appoint as a lister or listers under the provisions of 24 V.S.A. § 963, the selectboard may appoint an assessor to perform the duties of a lister as set forth in Title 32 until the next annual meeting.

(2) The appointed person need not be a resident of the town and shall have the same powers and be subject to the same duties and penalties as a duly elected lister for the town.

(b)(1) A town may vote by ballot at an annual meeting to eliminate the office of lister.

(2)(A) If a town votes to eliminate the office of lister, the selectboard shall ~~contract with or employ~~ notify the Director of Property Valuation and Review within 14 days and employ or contract a professionally qualified assessor, who, prior to conducting any work, shall meet the training requirements established by the Director under 32 V.S.A. § 4052 and need not be a resident of the town.

(B) The assessor shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for listers or the board of listers under the provisions of Title 32.

(3) A vote to eliminate the office of lister shall remain in effect until rescinded by majority vote of the registered voters present and voting at an annual or special meeting warned for that purpose.

(c) The term of office of any lister in office on the date a town votes to eliminate that office shall expire on the 45th day after the vote or on the date upon which the selectboard ~~appoints~~ employs or contracts an assessor under this subsection, whichever occurs first.

(d) The authority to vote to eliminate the office of lister as provided in this section shall extend to all towns except those towns that have a charter that specifically provides for the election or appointment of the office of lister.

(e) If an assessor is employed or contracted to assist an elected board of listers, the board of listers shall retain the same powers and duties, discharge those powers and duties in the same manner, and be subject to the same liabilities as those imposed on listers or the board of listers under the provisions of Title 32.

* * * Effective Dates * * *

Sec. 10. EFFECTIVE DATES

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

(1) notwithstanding 1 V.S.A. § 214, Sec. 1, 32 V.S.A. § 4041a, subsection (b), (reappraisal orders; CLA) shall take effect retroactively on April 1, 2022 and shall apply to grand lists lodged on and after April 1, 2022;

(2) Sec. 2 (32 V.S.A. § 4041a; reappraisal orders) shall take effect on January 1, 2025; and

(3) Sec. 8 (32 V.S.A. § 4052; lister qualifications) shall take effect on January 1, 2026.

(Committee vote: 5-1-0)

(For House amendments, see House Journal for March 28, 2023, page 801.)

Reported favorably with recommendation of proposal of amendment by Senator Chittenden for the Committee on Finance.

The Committee recommends that the Senate propose to the House to amend the bill as recommended by the Committee on Government Operations with the following amendments thereto:

First: In Sec. 4, implementation proposal and progress report; statewide reappraisals; grand list properties; Department of Taxes, in subsection (a) (December 15, 2023 progress report), by striking out the word “plan” after “work on the implementation” and inserting in lieu thereof the word proposal

Second: In Sec. 4, implementation proposal and progress report; statewide reappraisals; grand list properties; Department of Taxes, in subsection (a) (December 15, 2023 progress report), by adding a new subdivision (4) to read as follows:

(4) Considerations and recommendations for changing the annual date by which grand lists are required to be lodged from April 1 to January 1 or another date.

(Committee vote: 6-0-1)

Report of Committee of Conference

H. 494.

An act relating to making appropriations for the support of government.

(For report of Committee of Conference, see Addendum to Senate Calendar for Thursday, May 11, 2023)

CONCURRENT RESOLUTIONS FOR NOTICE

S.C.R. 6 - 7 (For text of Resolutions, see Addendum to Senate Calendar for May 11, 2023)

H.C.R. 115 - 127 (For text of Resolutions, see Addendum to House Calendar for May 11, 2023)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries

of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Robert Katims of Hinesburg - Superior Court Judge - By Senator Vyhovsky for the Committee on Judiciary (5/5/23)

Julie Moore of Middlesex - Secretary, Agency of Natural Resources - By Senator Bray for the Committee on Natural Resources and Energy (5/5/23)

H. Dickson Corbett of East Thetford - Superior Court Judge - By Senator Hashim for the Committee on Judiciary (5/8/23)

Abbie Sherman of Randolph - Executive Director, Vermont Economic Progress Council - By Senator Cummings for the Committee on Economic Development, Housing and General Affairs (5/8/23)

Eric Peterson of South Burlington - Member, Community High School of Vermont Board - By Senator Gulick for the Committee on Education (5/8/23)

Joan Lenes of Shelburne - Member, Community High School of Vermont Board - By Senator Gulick for the Committee on Education (5/12/23)

Stuart Recicar of Colchester - Member, Community High School of Vermont Board - By Senator Gulick for the Committee on Education (5/12/23)

Frank Cioffi of St. Albans - Trustee, University of Vermont and State Agricultural College Board of Trustees - By Senator Gulick for the Committee on Education (5/12/23)

JFO NOTICE

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

JFO #3149: One (1) limited-service position, Recreational Boating Safety Administrator, to the Vermont State Police, Department of Public Safety to administer the Recreational Boating Safety program. Funded through the ongoing and annually awarded Recreational Boating Safety grant from the United States Coast Guard.

[Received April 18, 2023]

JFO #3148: \$7,797,240.00 to the VT Department of Health from the Centers for Disease Control and Prevention. The majority of funds, \$7,346,379.00, will be used to reinforce the public health workforce and the remainder, \$450,861.00, will support strengthening of systems, policies and processes.

[Note: A supplemental award to this grant for data modernization is expected, but not yet funded.] [Received April 18, 2023]

JFO #3147 - \$2,00,000.00 to the VT Department of Children and Families, Office of Economic Development from the U.S. Department of Energy. Funds will be used to launch a VT Weatherization Training Center to support weatherization of Vermont households. This facility will be operationalized via contract to a provider and sub-grants to several community partners. The performance period ends on 2/28/2026 with an end goal of over one thousand trained specialists. This program will work in conjunction with the ARPA funded \$45M Weatherization project currently in the Office of Economic Development.

[Received April 18, 2023]