

House Calendar

Tuesday, May 2, 2023

119th DAY OF THE BIENNIAL SESSION

House Convenes at 10:00 A.M.

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ACTION CALENDAR

Unfinished Business of Monday, May 1, 2023

Favorable with Amendment

H. 490

An act relating to approving the merger of the Village of Lyndonville with the Town of Lyndon

Rep. Morgan of Milton, for the Committee on Government Operations and Military Affairs, recommends the bill be amended as follows:

First: In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), in section 12, in subsection (b), following the words “shall take effect on the” by striking out “30th” and inserting in lieu thereof “60th”

Second: In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), by striking out section 14 (penalties for violation of an ordinance) in its entirety and inserting in lieu thereof a new section 14 to read as follows:

§ 14. COVERED BRIDGES; PENALTY FOR VIOLATION OF LEGAL LIMITS

Notwithstanding 23 V.S.A. § 1434, the Town may adopt an ordinance governing operator damage to covered bridges that provides for a civil penalty of not more than \$10,000.00 or an amount equal to the costs of repairing the damage to the covered bridge.

Third: In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), in section 27 (other elected town officers), in subdivision (c)(3), following the subdivision heading, by striking out “With the approval of the Selectboard, the Board of Listers” and inserting in lieu thereof the words “The Selectboard” before the words “may appoint”

Fourth: In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), by striking out section 33 in its entirety and inserting in lieu thereof a new section 33 to read as follows:

§ 33. SELECTBOARD MEETINGS

(a) As soon as possible after the election of the Chair and Vice Chair, the Selectboard shall fix the time and place of its regular meetings. The Selectboard shall meet at least twice each month, except when the Selectboard determines that the then-pending business does not require a meeting.

(b) The Selectboard shall determine its own rules and order of business.

(c) A majority of the members of the Selectboard shall constitute a quorum. The act of the majority of the members of the Selectboard present at a meeting shall constitute the act of the Selectboard.

(d) All meetings of the Selectboard shall be open to the public unless the Selectboard votes to go into executive session in accordance with the provisions of 1 V.S.A. chapter 5.

(e) Except in cases of emergency meetings, the agenda of the Selectboard's meetings shall be made available to the public at least 24 hours prior to the meeting and posted in the Town Clerk's office.

Fifth: In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), in section 42 (Town meetings), in subsection (b), following the words "The ballot boxes at" by striking out the words "any election" and inserting in lieu thereof the words "Town elections" before the words "shall be open"

Sixth: In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), in section 61 (fiscal year), following the words "shall commence on the first day of January" by striking out "and end at 12:00 midnight on the last day of the following December" before the period.

Seventh: In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), by striking out section 63 (public meeting on proposed budget) in its entirety and inserting in lieu thereof the following:

§ 63. [RESERVED]

(Committee Vote: 11-0-1)

Rep. Branagan of Georgia, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

(Committee Vote: 12-0-0)

S. 103

An act relating to amending the prohibitions against discrimination

Rep. LaMont of Morristown, for the Committee on General and Housing, recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 495 is amended to read:

§ 495. UNLAWFUL EMPLOYMENT PRACTICE

(a) It shall be unlawful employment practice, except where a bona fide occupational qualification requires persons of a particular race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition:

(1) For any employer, employment agency, or labor organization to harass or discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability;

* * *

(3) For any employment agency to fail or refuse to classify properly or refer for employment or to otherwise harass or discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability;

(4) For any labor organization, to limit, segregate, or qualify its membership with respect to any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age ~~to discriminate against any individual or against a qualified individual with a disability or to limit, segregate, or qualify its membership; or against a qualified individual with a disability.~~

* * *

(7) For any employer, employment agency, labor organization, or person seeking employees to discriminate between employees on the basis of sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability by paying wages to employees of one sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, place of birth, crime victim status, or age or an employee who is a qualified individual with a disability at a rate less than the rate paid to employees of the other sex or a different race, color, religion, ancestry, national origin, sexual orientation, gender identity, place of birth, crime victim status, or age or without the physical or mental condition of the qualified individual with a disability for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions. An employer who is paying wages in violation of this section shall not reduce the wage rate of any other employee in order to comply with this subsection.

(A) An employer may pay different wage rates under this subsection when the differential wages are made pursuant to:

* * *

(iv) A bona fide factor other than sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, place of birth, crime victim status, age, or physical or mental condition. An employer asserting that differential wages are paid pursuant to this subdivision (7)(A)(iv) shall demonstrate that the factor does not perpetuate a sex-based differential in compensation, based on sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, place of birth, crime victim status, or age, or physical or mental condition; is job-related with respect to the position in question; and is based upon a legitimate business consideration.

* * *

(C) Nothing in this section shall be construed to diminish an employee's right to privacy under any other law, or pursuant to an applicable contract or collective bargaining agreement.

~~(8) Retaliation prohibited.~~ An employer, employment agency, or labor organization shall not discharge or in any other manner discriminate against any employee because the employee:

* * *

(i) An agreement to settle a claim of a violation of subsection (a) of this section shall not prohibit, prevent, or otherwise restrict the employee from working for the employer or any parent company, subsidiary, division, or affiliate of the employer. Any provision of an agreement to settle a claim of a violation of subsection (a) of this section that violates this subsection shall be void and unenforceable with respect to the individual who made the claim.

(j) Except for claims alleging a violation of subdivision (a)(7) of this section or disparate impact discrimination an employee shall not be required to demonstrate the existence of another employee or individual to whom the employee's treatment can be compared to establish a violation of this section.

(k) Notwithstanding any State or federal judicial precedent to the contrary:

(1) harassment and discrimination need not be severe or pervasive to constitute a violation of this section; and

(2) behavior that a reasonable employee with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this section.

Sec. 2. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

* * *

(13)(A) “Sexual harassment” is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal ~~or~~, physical, written, auditory, or visual conduct of a sexual nature when:

~~(A)(i)~~ submission to that conduct is made either explicitly or implicitly a term or condition of employment;

~~(B)(ii)~~ submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or

~~(C)(iii)~~ the conduct has the purpose or effect of substantially interfering with an individual’s work ~~performance~~ or creating an intimidating, hostile, or offensive work environment.

(B) Sexual harassment need not be severe or pervasive in order to be unlawful pursuant to this subchapter.

* * *

(16) “Harass” means to engage in unwelcome conduct based on an employee’s race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition that interferes with the employee’s work or creates a work environment that is intimidating, hostile, or offensive. In determining whether conduct constitutes harassment:

(A) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.

(B) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality rather than in isolation.

(C) Conduct may constitute harassment, regardless of whether:

(i) the complaining employee is the individual being harassed;

(ii) the complaining employee acquiesced or otherwise submitted to or participated in the conduct;

(iii) the conduct is also experienced by others outside the protected class involved in the conduct;

(iv) the complaining employee was able to continue carrying out

the employee's job duties and responsibilities despite the conduct;

(v) the conduct resulted in a physical or psychological injury; or

(vi) the conduct occurred outside the workplace.

Sec. 3. 9 V.S.A. § 4501 is amended to read:

§ 4501. DEFINITIONS

As used in this chapter:

* * *

(12)(A) "Harass" means to engage in unwelcome conduct that detracts from, undermines, or interferes with a person's:

(i) use of a place of public accommodation or any of the accommodations, advantages, facilities, or privileges of a place of public accommodation because of the person's race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability; or

(ii) terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the person's race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.

(B) Notwithstanding any judicial precedent to the contrary, harassing conduct need not be severe or pervasive to be unlawful pursuant to the provisions of this chapter. In determining whether conduct constitutes unlawful harassment:

(i) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.

(ii) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality rather than in isolation.

(iii) Conduct may constitute unlawful harassment, regardless of whether:

(I) the complaining person is the person being harassed;

(II) the complaining person acquiesced or otherwise submitted

to or participated in the conduct;

(III) the conduct is also experienced by others outside the protected class involved in the conduct;

(IV) despite the conduct, the complaining person was able to:

(aa) use the place of public accommodation or any of the accommodations, advantages, facilities, or privileges of the place of public accommodation; or

(bb) enjoy the benefit of applicable terms, conditions, privileges, or protections in the sale or rental of the dwelling or other real estate, or to obtain services or facilities in connection with the dwelling or other real estate;

(V) the conduct resulted in a physical or psychological injury;
or

(VI) the conduct occurred outside the place of public accommodation or the dwelling or other real estate.

(C) Behavior that a reasonable person with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this chapter.

Sec. 4. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

* * *

~~(d)(1) As used in this section, “harass” means to engage in unwelcome conduct that detracts from, undermines, or interferes with the person’s terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the person’s race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.~~

~~(2) Notwithstanding any judicial precedent to the contrary, harassing conduct need not be severe or pervasive to be unlawful pursuant to the provisions of this section. In determining whether conduct constitutes unlawful harassment:~~

~~(A) The determination shall be made on the basis of the record as a~~

whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.

~~(B) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality, rather than in isolation.~~

~~(C) Conduct may constitute unlawful harassment, regardless of whether:~~

~~(i) the complaining person is the person being harassed;~~

~~(ii) the complaining person acquiesced or otherwise submitted to or participated in the conduct;~~

~~(iii) the conduct is also experienced by others outside the protected class involved in the conduct;~~

~~(iv) the complaining person was able to enjoy the benefit of applicable terms, conditions, privileges, or protections in the sale or rental of the dwelling or other real estate, or to obtain services or facilities in connection with the dwelling or other real estate, despite the conduct;~~

~~(v) the conduct resulted in a physical or psychological injury; or~~

~~(vi) the conduct occurred outside the dwelling or other real estate.~~

~~(3) behavior that a reasonable person with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this section. [Repealed.]~~

Sec. 5. 16 V.S.A. § 11 is amended to read:

§ 11. CLASSIFICATIONS AND DEFINITIONS

(a) As used in this title, unless the context otherwise clearly requires:

* * *

(26)(A) “Harassment” means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student’s or a student’s family member’s actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student’s educational performance education or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

* * *

(C) Notwithstanding any judicial precedent to the contrary, the conduct described in this subdivision (a)(26) need not be severe or pervasive to constitute harassment. In determining whether conduct constitutes harassment:

(i) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute harassment.

(ii) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality rather than in isolation.

(iii) Conduct may constitute unlawful harassment, regardless of whether:

(I) the complaining student is the person being harassed;

(II) the complaining student acquiesced or otherwise submitted to or participated in the conduct;

(III) the conduct is also experienced by others outside the protected class involved in the conduct;

(IV) the complaining student was able to continue the student's education or access to school resources in spite of the conduct;

(V) the conduct resulted in a physical or psychological injury;
or

(VI) the conduct occurred outside the complaining student's school.

(iv) Behavior that a reasonable person with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute harassment pursuant to this subdivision (a)(26).

* * *

Sec. 6. 16 V.S.A. § 570f is amended to read:

§ 570f. HARASSMENT; NOTICE AND RESPONSE

* * *

(c) To prevail in an action alleging unlawful harassment filed pursuant to this section and 9 V.S.A. chapter 139, the plaintiff shall prove ~~both of the~~ following:

~~(1) The that the student was subjected to unwelcome conduct based on the student's or the student's family member's actual or perceived membership in a category protected by law by pursuant to 9 V.S.A. § 4502.~~

~~(2) The conduct was either:~~

~~(A) for multiple instances of conduct, so pervasive that when viewed from an objective standard of a similarly situated reasonable person, it substantially and adversely affected the targeted student's equal access to educational opportunities or benefits provided by the educational institution; or~~

~~(B) for a single instance of conduct, so severe that when viewed from an objective standard of a similarly situated reasonable person, it substantially and adversely affected the targeted student's equal access to educational opportunities or benefits provided by the educational institution.~~

* * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

(Committee Vote: 10-1-1)

Favorable

H. 506

An act relating to approval of amendments to the election boundary provisions of the charter of the City of Burlington

Rep. Hooper of Burlington, for the Committee on Government Operations and Military Affairs, recommends the bill ought to pass.

(Committee Vote: 12-0-0)

H. 507

An act relating to approval of amendments to the polling place provisions of the charter of the City of Burlington

Rep. Hooper of Burlington, for the Committee on Government Operations and Military Affairs, recommends the bill ought to pass.

(Committee Vote: 12-0-0)

H. 508

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

Rep. Hooper of Burlington, for the Committee on Government Operations and Military Affairs, recommends the bill ought to pass.

(Committee Vote: 12-0-0)

H. 509

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

Rep. Mrowicki of Putney, for the Committee on Government Operations and Military Affairs, recommends the bill ought to pass.

(Committee Vote: 9-3-0)

Senate Proposal of Amendment

H. 222

An act relating to reducing overdoses

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

First: In Sec. 2, regional stakeholder meetings; public needle and syringe disposal programs, in subsection (a), in the first sentence, by striking out “Health’s Accountable Communities for”

Second: By striking out Sec. 3a, 33 V.S.A. § 2004, in its entirety and inserting in lieu thereof the following:

Sec. 3a. [Deleted.]

Third: In Sec. 6b, 18 V.S.A. § 4752, in subsection (e), after “Department of Vermont Health Access”, by inserting the phrase or the Department’s pharmacy benefits manager

Fourth: By striking out Sec. 8b, rulemaking; prior authorization; buprenorphine in its entirety and inserting in lieu thereof a new Sec. 8b to read as follows:

Sec. 8b. RULEMAKING; PRIOR AUTHORIZATION; BUPRENORPHINE

The Department of Vermont Health Access shall amend its rules pursuant to 3 V.S.A. chapter 25 to enable health care providers in office-based opioid-treatment programs to prescribe 24 milligrams or less of the preferred medication for buprenorphine without prior authorization in accordance with 33 V.S.A. § 19011.

Fifth: In Sec. 9, 24 V.S.A. § 4412, subdivision (1)(G), in the first sentence, by striking out the word “and” before the phrase “a recovery residence” and inserting in lieu thereof or

Sixth: In Sec. 9, 24 V.S.A. § 4412, in subdivision (1)(G)(i), by striking out the word “tenants” and inserting in lieu thereof the phrase persons in recovery

Seventh: By inserting a new reader assistance heading and Secs. 11 and 12 after Sec. 10 to read as follows:

* * * Drug Checking for Contamination Detection * * *

Sec. 11. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

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

* * *

(45) “Drug-checking” means the testing of a substance to determine its chemical composition or assist in determining whether the substance contains contaminants, toxic substances, or hazardous compounds.

Sec. 12. 18 V.S.A. § 4240a is added to read:

§ 4240a. OVERDOSE PREVENTION; DRUG-CHECKING FOR CONTAMINANT DETECTION

(a) Notwithstanding any other provision of law, it shall not be a violation of this chapter to receive, possess, transport, or store samples of a substance that may contain a regulated drug solely for purposes of analyzing the substance to determine its chemical composition and disseminate information regarding the analysis to the provider of the substance.

(b) On-site community drug-checking service providers shall be permitted to:

(1) collect voluntarily provided residual samples of substances potentially containing regulated drugs, possess, transport, or store samples of a regulated drug solely for purposes of analyzing the substances to determine its chemical composition as a lifesaving intervention;

(2) use any available technologies to analyze the contents of samples to obtain timely, highly accurate information regarding the composition of drugs to prevent overdose and mitigate health risks;

(3) provide results of analysis obtained from drug-checking technology to the person requesting drug services;

(4) disseminate data containing only the results of analysis and containing no personally identifiable information to community members at risk of overdose; and

(5) if necessary, arrange for a sample of a drug or substance to be tested by an approved laboratory.

(c) In operating any drug-checking service, no personally identifiable information shall be collected from a person providing a controlled substance to a service provider.

(d) An employee, contractor, volunteer, or other person acting in the good faith provision of drug-checking services and, acting in accordance with established protocols shall not:

(1) be subject to arrest, charge, or prosecution for a violation pursuant to this chapter, including for attempting to, aiding and abetting in, or conspiracy to commit a violation of this chapter;

(2) have their property subject to forfeiture, any civil or administrative penalty, or liability of any kind, including disciplinary action by a professional licensing board, credentialing restrictions, contractual or civil liability, or medical staff or other employment action; or

(3) be denied any right or privilege for actions, conduct, or omissions relating to the operation of a drug-checking service in compliance with this chapter and any rules adopted pursuant to this chapter.

(e) An individual possessing a regulated substance and who provides any portion of the substance to a program pursuant to this section for purposes of obtaining drug-checking services shall not be subject to arrest, charge, or prosecution for possession of a regulated substance pursuant to this chapter or civil or administrative penalty or disciplinary action by a professional licensing board for a violation of this chapter.

(f) Local governments shall not collect, maintain, use, or disclose any personal information relating to an individual from whom local government receives any drug or substance for checking or disposal.

(g) The result of a test carried out by a drug-checking service provider shall not be admissible as evidence in any criminal or civil proceeding.

(h)(1) The Department of Health shall publish guidance and provide technical assistance for any service provider choosing to implement drug-checking services under this section.

(2) The Department shall coordinate the collection and dissemination of deidentified data related to drug-checking services to inform prevention and public health initiatives.

Eighth: By inserting a new reader assistance heading and Secs. 13 and 14 after the newly added Sec. 12 to read as follows:

* * * Opioid Abatement Special Fund * * *

Sec. 13. 18 V.S.A. § 4774 is amended to read:

§ 4774. OPIOID ABATEMENT SPECIAL FUND

(a)(1) There is created the Opioid Abatement Special Fund, a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and administered by the Department of Health. The Opioid Abatement Special Fund shall consist of all abatement account fund monies disbursed to the Department from the national abatement account fund, the national opioid abatement trust, the supplemental opioid abatement fund, or any other settlement funds that must be utilized exclusively for opioid prevention, intervention, treatment, recovery, and harm reduction services.

(2) The Department shall ~~include~~ submit a spending plan to the General Assembly, informed by the recommendations of the Opioid Settlement Advisory Committee established pursuant to section 4772 of this subchapter, ~~as part of its annual budget submission,~~ and once funding is approved appropriated by the General Assembly from the Opioid Abatement Special Fund, the Department shall request to have the funds formally released from the national abatement account fund, the national opioid abatement trust, the supplemental opioid abatement fund, or any other settlement funds that must be utilized exclusively for opioid prevention, intervention, treatment, recovery, and harm reduction services. The Department shall disburse monies from the Opioid Abatement Special Fund pursuant to 32 V.S.A. chapter 7, subchapter 3.

* * *

Sec. 14. APPROPRIATION; OPIOID ABATEMENT SPECIAL FUND

In fiscal year 2023, the following monies shall be appropriated from the Opioid Abatement Special Fund pursuant to 18 V.S.A. § 4774:

(1) \$1,980,000.00 for the expansion of naloxone distribution efforts, including establishing harm reduction vending machines, home delivery and mail order options, and expanding the harm reduction pack and leave behind kit programs;

(2)(A) \$2,000,000.00 divided equally between four opioid treatment programs to cover costs associated with partnering with other health care

providers to expand satellite locations for the dosing of medications, including costs associated with the satellite locations' physical facilities, staff time at the satellite locations, and staff time at opioid treatment programs to prepare medications and coordinate with satellite locations;

(B) the satellite locations established pursuant to this subdivision (2) shall be located in Addison County, eastern or southern Vermont, Chittenden County, and a facility operated by the Department of Corrections;

(3)(A) \$1,976,000.00 to fund 26 outreach or case management staff positions within the preferred provider network and within syringe service organizations for the provision of services that increase motivation of and engagement with individuals with substance use disorder in settings such as police barracks, shelters, social service organizations, and elsewhere in the community;

(B) it the intent of the General Assembly that these positions shall be funded annually by the Opioid Abatement Special Fund unless and until the Special Fund does not have sufficient monies to fund this expenditure;

(4) \$400,000.00 divided equally among the State's four syringe service providers to provide overdose prevention services and response education and resources that build trust between individuals with substance use disorder and Vermont's system of care;

(5) \$840,000.00 to provide contingency management services to individuals with substance use disorder;

(6) \$100,000.00 to implement a wound care telehealth consultation pilot program for the purpose of utilizing wound care experts to provide telehealth drop-in appointments to address syringe use by individuals with opioid use disorder;

(7) \$200,000.00 to expand the distribution of fentanyl test strips and, if available, xylazine test strips; and

(8)(A) \$700,000.00 to the Department of Health's Division of Substance Use Programs to award one or more grants to an organization or organizations providing or preparing to implement drug-checking services with spectroscopy devices, including high-pressure mass spectrometer (HPMS) or Fourier-transform infrared spectroscopy device (FTIR), in a harm reduction setting;

(B) the grants awarded pursuant to this subdivision (8) shall be based on an applicant's ability to provide publicly available drug-checking services.

And by renumbering the remaining section to be numerically correct.

Ninth: In the newly renumbered Sec. 15, effective dates, before the period, by inserting and Sec. 8b (rulemaking; prior authorization; buprenorphine) shall take effect on January 1, 2024

Amendment to be offered by Reps. Whitman of Bennington, Brumsted of Shelburne, Donahue of Northfield, Garofano of Essex, Gregoire of Fairfield, Hyman of South Burlington, McGill of Bridport, Noyes of Wolcott, Pajala of Londonderry, Small of Winooski, and Wood of Waterbury to H. 222

First: In Sec. 9, 24 V.S.A. § 4412, in subdivision (1)(G)(i), by striking out the phrase “persons in recovery” and inserting in lieu thereof the word “tenants”

Second: By striking out Sec. 11, 18 V.S.A. § 4201, in its entirety and inserting a new Sec. 11 to read as follows:

Sec. 11. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

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

* * *

(45) “Approved drug-checking service provider” means a provider who complies with operating guidelines developed by the Department of Health pursuant to section 4240a of this title.

(46) “Drug-checking” means the testing of a substance to determine its chemical composition or assist in determining whether the substance contains contaminants, toxic substances, or hazardous compounds.

Third: By striking out Sec. 12, 18 V.S.A. § 4240a, in its entirety and inserting in a new Sec. 12 to read as follows:

Sec. 12. 18 V.S.A. § 4240a is added to read:

§ 4240a. OVERDOSE PREVENTION; DRUG-CHECKING FOR
CONTAMINANT DETECTION

(a) Notwithstanding any other provision of law, it shall not be a violation of this chapter for an approved drug-checking service provider to receive, possess, transport, or store samples of a substance that may contain a regulated drug solely for purposes of analyzing the substance to determine its chemical composition and disseminate information regarding the analysis to the provider of the substance.

(b) On-site approved drug-checking service providers shall be permitted to:

(1) collect voluntarily provided residual samples of substances potentially containing regulated drugs, possess, transport, or store samples of a regulated drug solely for purposes of analyzing the substances to determine its chemical composition as a lifesaving intervention;

(2) use any available technologies to analyze the contents of samples to obtain timely, highly accurate information regarding the composition of drugs to prevent overdose and mitigate health risks;

(3) provide results of analysis obtained from drug-checking technology to the person requesting drug services;

(4) disseminate data containing only the results of analysis and containing no personally identifiable information to community members at risk of overdose; and

(5) if necessary, arrange for a sample of a drug or substance to be tested by an approved laboratory.

(c) In operating any drug-checking service, personally identifiable information may be collected from a person providing a controlled substance to an approved drug-checking service provider only as necessary to communicate drug-checking results to the person. Personally identifiable information collected solely for the purposes of communicating drug-checking results shall not be retained or shared by an approved drug-checking service provider.

(d) An employee, contractor, volunteer, or other person acting in the good faith provision of drug-checking services and, acting in accordance with established protocols shall not:

(1) be subject to arrest, charge, or prosecution for a violation pursuant to this chapter, including for attempting to, aiding and abetting in, or conspiracy to commit a violation of this chapter;

(2) have their property subject to forfeiture, any civil or administrative penalty, or liability of any kind, including disciplinary action by a professional licensing board, credentialing restrictions, contractual or civil liability, or medical staff or other employment action; or

(3) be denied any right or privilege for actions, conduct, or omissions relating to the operation of a drug-checking service in compliance with this chapter and any rules adopted pursuant to this chapter.

(e) An individual possessing a regulated substance and who provides any portion of the substance to an approved drug-checking service provider pursuant to this section for purposes of obtaining drug-checking services shall

not be subject to arrest, charge, or prosecution for possession of a regulated substance pursuant to this chapter or civil or administrative penalty or disciplinary action by a professional licensing board for a violation of this chapter based on the individual's use or attempted use of drug-checking services in accordance with this section. The immunity provisions of this subsection shall apply only to the use and derivative use of evidence gained as a proximate result of an individual seeking drug-checking services and shall not preclude prosecution of the individual on the basis of evidence obtained from an independent source.

(f) Local governments shall not collect, maintain, use, or disclose any personal information relating to an individual from whom local government receives any drug or substance for checking or disposal.

(g) The result of a test carried out by an approved drug-checking service provider shall not be admissible as evidence in any criminal or civil proceeding.

(h)(1) The Department shall provide technical assistance to and develop operating guidelines for drug-checking service providers.

(2) The Department shall coordinate the collection and dissemination of deidentified data related to drug-checking services to inform prevention and public health initiatives.

Third: In Sec. 13, 18 V.S.A. § 4774, in subdivision (a)(2), in the first sentence, by inserting the phrase “annually on or before January 15” after “subchapter, as part of its annual budget submission,”

Fourth: In Sec. 14, appropriation; Opioid Abatement Special Fund, in subdivision (3)(A), by striking out the phrase “and within syringe service organizations”

H. 473

An act relating to radiologist assistants

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

Sec. 1. 26 V.S.A. § 2851 is amended to read:

§ 2851. DEFINITIONS

As used in this chapter:

* * *

(8) “Readily available” means that a supervising radiologist is available in person or is available remotely by telephone or through a live, interactive audio and video connection.

(9) “Supervision” means the direction and review by a supervising radiologist, as determined to be appropriate by the Board, of the medical services provided by the radiologist assistant. At a minimum, supervision shall mean that a radiologist is readily available for consultation and intervention. A radiologist assistant may provide services under the direction and review of more than one supervising radiologist during the course of ~~his or her~~ the radiologist assistant’s employment, subject to the limitations on ~~his or her~~ the radiologist assistant’s scope of practice as set forth in this chapter and the protocol filed under subsection 2853(b) of this title.

Sec. 2. 26 V.S.A. § 2857 is amended to read:

§ 2857. SUPERVISION AND SCOPE OF PRACTICE

(a)(1) The number of radiologist assistants permitted to practice under the direction and supervision of a radiologist shall be determined by the Board after review of the system of care delivery in which the supervising radiologist and radiologist assistants propose to practice. Scope of practice and levels of supervision shall be consistent with guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the ARRT.

(2) The authority of a radiologist assistant to practice shall terminate immediately upon termination of the radiologist assistant’s employment, and the primary supervising radiologist shall immediately notify the Board and the Commissioner of the Department of Health of the termination. The radiologist assistant’s authority to practice shall not resume until ~~he or she~~ the radiologist assistant provides proof of other employment and a protocol as required under this chapter.

(3) The primary supervising radiologist and radiologist assistant shall be employed by and have as their primary work site the same Vermont health care facility or an affiliate of the facility; provided, however, that the primary supervising radiologist does not need to be physically present at the same location where the radiologist assistant is practicing as long as a supervising radiologist is readily available for consultation and intervention.

(4) If a supervising radiologist is not physically present at the location at which a radiologist assistant is practicing, the radiologist assistant shall provide services only when a physician licensed pursuant to chapter 23 or 33 of this title, who need not be a radiologist, is physically present at the location

and would be responsible for providing intervention or assistance in the event of a medical emergency.

(b)(1) Subject to the limitations set forth in subsection (a) of this section, the radiologist assistant's scope of practice shall be limited to that delegated to the radiologist assistant by the primary supervising radiologist and for which the radiologist assistant is qualified by education, training, and experience. At no time shall the practice of the radiologist assistant exceed the normal scope of the supervising radiologist's practice.

(2) A radiologist assistant ~~may~~ shall not interpret images, make diagnoses, or prescribe medications or therapies but may communicate with patients regarding the radiologist assistant's preliminary observations regarding the technical performance of a procedure or examination and regarding the findings from a radiologist's report. Preliminary observations shall not include any communication about the presence or absence of features or characteristics that would be considered in making a diagnosis.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

New Business

Favorable with Amendment

S. 17

An act relating to sheriff reforms

Rep. McCarthy of St. Albans City, for the Committee on Government Operations and Military Affairs, recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Findings * * *

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Sheriffs provide essential public safety services to the State, counties, and communities of Vermont.

(2) Incidents of criminal and unprofessional behavior by elected sheriffs and sheriff's deputies have shaken the public's trust in the office of sheriff.

(3) The office of sheriff requires reform to provide more consistent structure, financial practices, accountability, and increased transparency.

(4) While criminal charges or misconduct may lead to sanctions on Vermont sheriffs, including decertification by the Vermont Criminal Justice Council, removal from office can only be achieved through expiration of term, resignation, or impeachment by the General Assembly.

* * * Audits * * *

Sec. 2. 24 V.S.A. § 290 is amended to read:

§ 290. COUNTY SHERIFF'S DEPARTMENT

* * *

(d)(1) Upon the election of a sheriff-elect who is not the incumbent sheriff, or upon notice of the resignation of the sheriff, an announcement that the incumbent sheriff will not seek reelection, or an announcement that the incumbent sheriff intends to resign, whichever occurs earliest, all financial disbursements from the accounts of the department, including the transfer of real or personal property, or other assets, of the department, shall be co-signed by the sheriff and the at least one assistant judges judge in that county. The sheriff shall provide a written transition plan to the assistant judges of that county and the Sheriffs' Executive Committee detailing all anticipated disbursements or transfers of departmental assets. Assistant judges shall consult with the Department and Sheriff's Executive Committee prior to co-signing any disbursements or transfer of sheriff's department assets. If the assistant judges refuse to co-sign a disbursement or transfer of sheriff's department assets, the Sheriffs' Executive Committee may instead approve the disbursements or transfer of sheriff's department assets and shall thereafter inform the sheriff and the assistant judges of the county of the Committee's decision.

(2) A An assistant judge shall forward the sheriff's written transition plan and a report of all financial disbursements or and transfers made pursuant to this subsection shall be forwarded by the assistant judges to the Auditor of Accounts within 15 days of completion of the out-going sheriff's duties following the sheriff leaving office.

Sec. 3. 24 V.S.A. § 290b is amended to read:

§ 290b. AUDITS

* * *

(b) The Auditor of Accounts shall adopt and sheriffs shall comply with a uniform system of accounts, controls, and procedures for the sheriff's department, which accurately reflects the receipt and disbursement of all funds

by the department, the sheriff, and all employees of the department. The uniform system shall include:

* * *

(8) procedures and controls which that identify revenues received from public entities through appropriations or grants from the federal, State, or local governments from revenues received through contracts with private entities; and

(9) procedures to notify the Auditor of Accounts and the Department of State's Attorneys and Sheriffs of the establishment and activities of any nonpublic organization of which the sheriff or any employee of the sheriff is a director or participant and that has a mission or purpose of supplementing the efforts of the sheriff's department; and

(10) other procedures and requirements as the Auditor of Accounts deems necessary.

(c) The Auditor of Accounts and ~~his or her~~ the Auditor's designee may at any time examine the records, accounts, books, papers, contracts, reports, and other materials of the county sheriff departments as they pertain to the financial transactions, obligations, assets, and receipts of that department. ~~The Auditor or his or her designee shall conduct an audit of the accounts for a sheriff's department whenever the incumbent sheriff leaves office, and the auditor shall charge for the any associated costs of the report pursuant to~~ in the same manner described in 32 V.S.A. § 168(b).

* * *

* * * Conflict of Interest * * *

Sec. 4. 24 V.S.A. § 314 is added to read:

§ 314. CONFLICT OF INTEREST; APPEARANCE OF CONFLICT OF INTEREST

(a) Sheriffs and deputy sheriffs are considered public servants for the purposes of 3 V.S.A. § 1202(1). A conflict of interest may also exist when a member of a sheriff's or deputy sheriff's immediate family or household, or the sheriff's or deputy sheriff's business associate, or an organization with which the sheriff or deputy sheriff is affiliated, interferes with the proper discharge of a lawful duty. A conflict of interest does not include any interest that is not greater than that of other individuals generally affected by the outcome of the matter.

(b) A sheriff or deputy sheriff shall avoid any conflict of interest or the appearance of a conflict of interest. When confronted with a conflict of interest or an appearance of a conflict of interest, a sheriff or deputy sheriff shall disclose the conflict of interest to the Sheriff's Executive Committee, recuse themselves from the matter, and not take further action on the matter.

(c) The Department of State's Attorneys and Sheriffs shall establish procedures for forwarding ethics complaints from any source to the State Ethics Commission based on the procedures set forth in 3 V.S.A. § 1223.

(d) Nothing in this section shall require a sheriff or deputy sheriff to disclose confidential information or information that is otherwise privileged under law. "Confidential information," as used in this subsection, means information that is exempt from public inspection and copying under 1 V.S.A. § 315 et seq. or is otherwise designated by law as confidential.

Sec. 4a. 24 V.S.A. § 315 is added to read:

§ 315. SHERIFFS; ANNUAL DISCLOSURE

(a) Annually, each sheriff shall file with the State Ethics Commission a disclosure form that contains the following information in regard to the previous 12 months:

(1) Each source, but not amount, of personal income of the sheriff and of the sheriff's spouse or domestic partner, and of the sheriff together with the sheriff's spouse or domestic partner, that totals more than \$5,000.00, including any of the sources meeting that total described as follows:

(A) employment, including the employer or business name and address and, if self-employed, a description of the nature of the self-employment without needing to disclose any individual clients; and

(B) investments, described generally as "investment income."

(2) Any board, commission, or other entity that is regulated by law or that receives funding from the State on which the sheriff served and the sheriff's position on that entity.

(3) Any company of which the sheriff or the sheriff's spouse or domestic partner, or the sheriff together with the sheriff's spouse or domestic partner, owned more than 10 percent.

(4) Any lease or contract with the State held or entered into by:

(A) the sheriff or the sheriff's spouse or domestic partner; or

(B) a company of which the sheriff or the sheriff's spouse or domestic partner, or the sheriff together with the sheriff's spouse or domestic partner, owned more than 10 percent.

(b) In addition, if a sheriff's spouse or domestic partner is a lobbyist, the sheriff shall disclose that fact and provide the name of the sheriff's spouse or domestic partner and, if applicable, the name of that individual's lobbying firm.

(c)(1) Disclosure forms shall contain the statement, "I certify that the information provided on all pages of this disclosure form is true to the best of my knowledge, information, and belief."

(2) Each sheriff shall sign the disclosure form in order to certify it in accordance with this subsection.

(d)(1) A sheriff shall file the disclosure form on or before January 15 of each year or, if the sheriff is appointed after January 15, within 10 days after that appointment.

(2) A sheriff who filed this disclosure form as a candidate in accordance with 17 V.S.A. § 2414 in the preceding year and whose disclosure information has not changed since that filing may update that filing to indicate that there has been no change.

* * * Sheriff's Department Compensation and Benefits * * *

Sec. 5. 24 V.S.A. § 291a is amended to read:

§ 291a. CONTRACTS

* * *

(b) A contract made with a town, city, village, or county to provide law enforcement or related services shall contain provisions governing the following subjects as best suit the needs of the parties:

* * *

(4) the type, frequency, and information to be contained in reports submitted by the sheriff's department to the town, city, village, or county;

* * *

(c) A contract under this section may contain provisions for compensation to the sheriff for administration of the contract and related services. No compensation may be paid to a sheriff for administration of the contract or related services unless the contract sets forth in writing the rate or method of calculation for the compensation and a schedule of payment; provided that a

sheriff's compensation for administration shall not exceed five percent of the contract. A sheriff's rate of compensation shall be at a rate equivalent to other employees of the department who provide similar services under the contract. Compensation to the sheriff shall be made in accordance with the schedule set forth in the contract but in no event may a sheriff be compensated for administration of the contract and related services unless the compensation is made in the same calendar year in which the revenue was received by the department under the contract. Funds derived from charges for the administration of a contract, if used for sheriff, sheriff deputy, or other departmental employee compensation, bonuses, salary supplements, retirement contributions, or employment benefits, shall be expended in accordance with the model policy created and maintained by the Department of State's Attorneys and Sheriffs. Willful failure to comply with this policy shall constitute Category B conduct pursuant to 20 V.S.A. § 2401(2).

* * *

(f) An agreement or contract for sheriff's departments to provide law enforcement or security services to county and State courthouses shall be subject to a single, statewide contracted rate of pay for such services over all county and State courthouses.

Sec. 5a. SHERIFF'S DEPARTMENTS COMPENSATION AND BENEFITS
MODEL POLICY

(a) On or before January 1, 2024, the Department of State's Attorneys and Sheriffs, after receiving input from the sheriffs, the Auditor of Accounts, and the Department of Human Resources, shall develop the Sheriff's Departments Compensation and Benefits Model Policy and submit it for review and approval to the Vermont Criminal Justice Council. The Vermont Criminal Justice Council may, in consultation with the Department of State's Attorneys and Sheriffs, subsequently alter and update the Model Policy.

(b) The Sheriff's Departments Compensation and Benefits Model Policy shall address the structure and use of funds for compensation, bonuses, salary supplements, retirement contributions, and employment benefits for sheriffs, sheriff's deputies, and other departmental employees.

(c) On or before July 1, 2024, each sheriff's department shall adopt the model Sheriff's Departments Compensation and Benefits Model Policy. A sheriff's department may include additional provisions to the Model Policy in its own policy, provided that none of these provisions contradict any provisions of the Model Policy.

Sec. 5b. 24 V.S.A. § 367 is amended to read:

§ 367. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS

* * *

(e)(1) The Executive Director of the Department of State's Attorneys and Sheriffs, in consultation with the Sheriff's Executive Committee, shall appoint a Director of Sheriffs' Operations who shall serve at the pleasure of the Executive Director.

(2) The Director of Sheriffs' Operations shall provide centralized support services for the sheriffs with respect to budgetary planning, policy development and compliance, training, and office management, and perform such other duties as directed by the Executive Director.

(3) The Director of Sheriffs' Operations shall develop, maintain, and provide to each sheriff's department model policies on operational topics, including service of civil process, relief from abuse orders, transportation of prisoners, ethics, and sheriffs' responsibilities.

Sec. 5c. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS;
POSITION

The following position is created in the Department of State's Attorneys and Sheriffs: one full-time, exempt Director of Sheriffs' Operations.

Sec. 5d. 24 V.S.A. § 290(b) is amended to read:

(b) Full-time State deputy sheriffs whose primary responsibility is transportation of prisoners ~~and~~, persons with a mental condition or psychiatric disability, or juveniles being transported to court or to a court-ordered facility shall be paid by the State of Vermont. The positions and their funding shall be assigned to the Department of State's Attorneys and Sheriffs. The Executive Director shall have the authority to determine job duties for the position, assignment of positions to county, regular and temporary work locations, assistance to other State agencies and departments, timesheet systems, daily work logs, and to have final approval of personnel matters, including, but not limited to, approval for hiring, paygrade assignment, hiring rate, discipline, and termination. The sheriffs shall have an Executive Committee of not more than five current sheriffs, elected for a two-year term by a vote of the sheriffs held not later than January 15, for a term starting February 1. The Executive Committee shall have a Chair, Vice-Chair, Secretary-Treasurer, and two members at large. The Executive Committee shall meet at least quarterly to provide input to the Department of State's Attorneys and sheriffs regarding budget, legislation, personnel and policies, and the assignment of positions, when vacancies arise, for efficient use of resources.

* * * Sheriff Duties * * *

Sec. 6. 24 V.S.A. § 293 is amended to read:

§ 293. DUTIES

(a) A sheriff so commissioned and sworn shall serve and execute lawful writs, warrants, and processes directed to ~~him or her~~ the sheriff, according to the precept thereof, and do all other things pertaining to the office of sheriff.

(b) A sheriff shall maintain a record of the sheriff's work schedule, including work days, leave taken, and any remote work performed outside the sheriff's district for a period of more than three days.

(c) If an individual who has a relief from abuse order pursuant to 15 V.S.A. § 1103 requires assistance in the retrieval of personal belongings from the individual's residence and that individual requests assistance from a sheriff's department providing law enforcement services in the county in which that individual resides, the sheriff's department shall provide the assistance.

Sec. 6a. 20 V.S.A. chapter 209 is added to read:

CHAPTER 209. GENERAL LAW ENFORCEMENT SERVICES

§ 4661. PROHIBITION; STANDBY FEES

No law enforcement officer or law enforcement agency shall seek a fee from the individual seeking assistance or being assisted in the retrieval of personal belongings or the personal belongings of the individual's dependents from the individual's residence, pursuant to 24 V.S.A. § 293(c), or any representative of that individual.

Sec. 6b. SHERIFF'S DEPARTMENTS' PROVISION OF STANDBY

SERVICES FOR DOMESTIC VIOLENCE SURVIVORS; REPORT

On or before January 15, 2024, the Department of State's Attorneys and Sheriffs, in consultation with the State sheriffs and the Vermont Network Against Domestic and Sexual Violence, shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations data, as available through December 1, 2023, regarding sheriff's departments' assistance in the retrieval of personal belongings of domestic violence survivors pursuant to 24 V.S.A. § 293(c), including the aggregate number of episodes of assistance provided, the time spent, and the costs accumulated by sheriff's departments for providing this assistance.

Sec. 7. SHERIFF'S DEPUTY PROVISION OF COURTHOUSE

SECURITY; REPORT

On or before December 1, 2023, the Judiciary, in consultation with the Department of State's Attorneys and Sheriffs, the Vermont Sheriffs' Association, Vermont State Employees' Association, and other relevant stakeholders, shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on the number of sheriff's deputies needed to be made available to provide law enforcement and security services to county and State courthouses to facilitate regular courthouse operations. The report shall also include recommendations regarding any needed creation of classified positions responsible for courthouse security services, similar to the classified position of transport deputy, and any corresponding budget request for these positions.

Sec. 8. 24 V.S.A. § 299 is amended to read:

§ 299. DUTIES AS PEACE OFFICER

~~A sheriff shall preserve the peace, and suppress, with force and strong hand, if necessary, unlawful disorder using force only as permitted pursuant to 20 V.S.A. chapter 151. He or she~~ A sheriff may apprehend, without warrant, ~~persons~~ individuals assembled in disturbance of the peace; and bring them before a the Criminal Division of the Superior Court, which shall proceed with such ~~person~~ individuals as with ~~persons~~ individuals brought before it by process issued by ~~sueh~~ the court.

* * * Repeal of Penalty for Refusal to Assist a Sheriff * * *

Sec. 9. REPEAL OF PENALTY FOR REFUSAL TO ASSIST A SHERIFF

24 V.S.A. § 301 (penalty for refusal to assist) is repealed.

* * * Sheriff's Departments Reform Report * * *

Sec. 10. SHERIFF'S DEPARTMENTS REFORM; REPORT

On or before November 15, 2023, the Department of State's Attorneys and Sheriffs, in consultation with the Vermont Criminal Justice Council, the Auditor of Accounts, the Vermont Association of County Judges, the Chief Superior Court Judge, and the Vermont Sheriffs Association, shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on the following:

(1) recommended policies and best practices to be included in standard operating procedures, manuals and policy manuals;

(2) increasing efficiency and equity in the delivery of public safety services by sheriff's departments;

(3) recommendations for the compensation structure and levels of sheriffs, deputies, and departmental staff, including salaries, overtime, retirement, and benefits;

(4) the duties of sheriffs, including law enforcement and administration of sheriff's departments;

(5) recommended membership and duties of an advisory commission for sheriffs comparable to, or combined with, the Vermont State Police Advisory Commission, as related to both conduct and administration of sheriff's departments;

(6) the creation of a sustainable funding model for sheriff's departments, including the consolidation or reorganization of sheriff's departments;

(7) recommendations for the Department of State's Attorneys and Sheriffs to better provide oversight and support for State's Attorneys and sheriffs; and

(8) recommendations for the scope and timing of public sector management training that sheriffs should receive upon election and on a continuing basis to ensure departmental operations and management of public funds are consistent with generally accepted standards.

* * * Effective Dates * * *

Sec. 11. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 5 (amending 24 V.S.A. § 291a) shall take effect on January 1, 2024.

(Committee vote: 12-0-0)

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommends the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Government Operations and Military Affairs.

(Committee Vote: 12-0-0)

S. 99

An act relating to miscellaneous changes to laws related to vehicles

Rep. Shaw of Pittsford, for the Committee on Transportation, recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * New Motor Vehicle Arbitration * * *

Sec. 1. 9 V.S.A. § 4173(d) is amended to read:

(d) Within the 45-day period set forth in subsection (c) of this section but at least five days prior to hearing, the manufacturer shall have one final opportunity to correct and repair the defect that the consumer claims entitles ~~him or her~~ the consumer to a refund or replacement vehicle. Any right to a final repair attempt is waived if the manufacturer does not complete it at least five days prior to hearing. If the consumer is satisfied with the corrective work done by the manufacturer or ~~his or her~~ the manufacturer's delegate, the arbitration proceedings shall be terminated without prejudice to the consumer's right to request arbitration be recommenced ~~if the repair proves unsatisfactory for the duration of the~~ within one year following the expiration of the express warranty term in accordance with subsection 4179(a) of this title.

* * * Definition of Mail * * *

Sec. 2. 23 V.S.A. § 4(87) is added to read:

(87) "Mail," "mail or deliver," "mails," "mails or delivers," "mailing," "mailing or delivering," "mailed," and "mailed or delivered" mean any method of delivery authorized by the Commissioner, which may include by hand, U.S. mail, and electronic transmission.

* * * Mobile Identification * * *

Sec. 3. 23 V.S.A. § 116 is added to read:

§ 116. ISSUANCE OF MOBILE IDENTIFICATION

(a) Definitions. As used in this section:

(1) "Data field" means a discrete piece of information that appears on a mobile identification.

(2) "Full profile" means all the information provided on a mobile identification.

(3) "Limited profile" means a portion of the information provided on a mobile identification.

(4) "Mobile identification" means an electronic representation of the information contained on a nonmobile credential.

(5) "Mobile identification holder" means an individual to whom a mobile identification has been issued.

(6) "Nonmobile credential" means a nondriver identification card issued under section 115 of this title, a driver's license issued under section 603 of this title, a junior operator's license issued under section 602 of this title, a learner's permit issued under section 617 of this title, a commercial driver's

license issued under section 4111 of this title, or a commercial learner's permit issued under section 4112 of this title.

(b) Issuance. The Commissioner of Motor Vehicles may issue a mobile identification to an individual in addition to, and not instead of, a nonmobile credential. If issued, the mobile identification shall:

(1) be capable of producing both a full profile and a limited profile;

(2) satisfy the purpose for which the profile is presented;

(3) allow the mobile identification holder to maintain physical possession of the device on which the mobile identification is accessed during verification; and

(4) not be a substitute for an individual producing a nonmobile credential upon request.

(c) Agreements with other entities. The Commissioner may enter into agreements to facilitate the issuance, use, and verification of a mobile identification or other electronic credentials issued by the Commissioner or another state.

(d) Administration.

(1) The Commissioner may operate, or may operate through a third-party administrator, a verification system for mobile identifications.

(2) Access to the verification system and any data field by a person presented with a mobile identification requires the credential holder's consent, and, if consent is granted, the Commissioner may release the following through the verification system:

(A) for a full profile, all data fields that appear on the mobile identification; and

(B) for a limited profile, only the data fields represented in the limited profile for the mobile identification.

* * * License Plate Stickers; Validation Stickers * * *

Sec. 4. 23 V.S.A. § 305 is amended to read:

§ 305. REGISTRATION PERIODS

(a) The Commissioner of Motor Vehicles shall issue registration certificates, ~~validation stickers~~, and number plates upon initial registration, and registration certificates ~~and validation stickers~~ for each succeeding renewal period of registration upon payment of the registration fee. Number plates so issued will become void one year from the first day of the month following the

month of issue, unless a longer initial registration period is authorized by law or unless this period is extended through renewal. Registrations issued for motor trucks shall become void one year from the first day of the month following the month of issue.

(b) The Commissioner shall issue a registration certificate, ~~validation sticker,~~ and a number plate or number plates for each motor vehicle owned by the State, which shall be valid for a period of five years. Such motor vehicle shall be considered properly registered while the issued number plate or number plates are attached to the motor vehicle. The Commissioner may replace such number plate or number plates when in ~~his or her~~ the Commissioner's discretion their condition requires.

(c) ~~Except as otherwise provided in subsection (d) of this section, no plate is valid unless the validation sticker is affixed to the rear plate in the manner prescribed by the Commissioner in section 511 of this title. [Repealed.]~~

(d) When a registration for a motor vehicle, snowmobile, motorboat, or all-terrain vehicle is processed electronically, a receipt shall be available electronically and for printing. An electronic or printed receipt shall serve as a temporary registration for 10 days after the date of the transaction. An electronic receipt may be shown to an enforcement officer using a portable electronic device. Use of a portable electronic device to display the receipt does not in itself constitute consent for an officer to access other contents of the device.

Sec. 5. 23 V.S.A. § 326 is amended to read:

§ 326. REFUND UPON LOSS OF VEHICLE

The Commissioner may cancel the registration of a motor vehicle when the owner ~~thereof of the motor vehicle~~ proves to ~~his or her~~ the Commissioner's satisfaction that ~~it~~ the motor vehicle has been totally destroyed by fire or, through crash or wear, has become wholly unfit for use and has been dismantled. After the Commissioner cancels the registration and the owner returns to the Commissioner either the registration certificate, or the number plate or number plates ~~and the validation sticker,~~ the Commissioner shall certify to the Commissioner of Finance and Management the fact of the cancellation, giving the name of the owner of the motor vehicle, ~~his or her~~ the owner's address, the amount of the registration fee paid, and the date of cancellation. The Commissioner of Finance and Management shall issue ~~his or her~~ the Commissioner of Finance and Management's warrant in favor of the owner for such percent of the registration fee paid as the unexpired term of the registration bears to the entire registration period, but in no case shall the

Commissioner of Finance and Management retain less than \$5.00 of the fee paid.

Sec. 6. 23 V.S.A. § 364b is amended to read:

§ 364b. ALL-SURFACE VEHICLES; REGISTRATION

(a) The annual fee for registration of an all-surface vehicle (ASV) shall be the sum of the fees established by sections 3305 and 3504 of this title, plus \$26.00.

(b) Evidence of the registration shall be a ~~sticker, as determined by the Commissioner, affixed to~~ registration certificate and the number plate issued pursuant to chapter 31 of this title.

Sec. 7. 23 V.S.A. § 453(f) is amended to read:

(f) In any year that number plates are reused ~~and validation stickers are issued~~, the Commissioner shall not be required to issue new number plates to persons renewing registrations under this section.

Sec. 8. 23 V.S.A. § 457 is amended to read:

§ 457. TEMPORARY PLATES

At the time of the issuance of a registration certificate to a dealer as provided in this chapter, the Commissioner shall furnish the dealer with a sufficient number of number plates ~~and temporary validation stickers~~, temporary number plates, or temporary decals for use during the 60-day period immediately following sale of a vehicle or motorboat by the dealer. The plates and decals shall have the same general design as the plates or decals furnished individual owners, but the plates and decals may be of a material and color as the Commissioner may determine. The Commissioner shall collect a fee of \$5.00 for each temporary plate issued.

Sec. 9. 23 V.S.A. § 458 is amended to read:

§ 458. TEMPORARY PLATE ON SOLD OR EXCHANGED VEHICLES

On the day of the sale or exchange of a motor vehicle, motorboat, snowmobile, or all-terrain vehicle to be registered in this State, a dealer may issue to the purchaser, for attachment to the motor vehicle, snowmobile, or all-terrain vehicle, or to be carried in or on the motorboat, a number plate ~~with temporary validation stickers~~, a temporary number plate, or a temporary decal, provided that the purchaser deposits with such dealer, for transmission to the Commissioner, a properly executed application for the registration of such motor vehicle, motorboat, snowmobile, or all-terrain vehicle and the required fee. If a properly licensed purchaser either attaches to the motor vehicle,

snowmobile, or all-terrain vehicle or carries in the motorboat such number plate or decal, ~~he or she~~ the purchaser may operate the same for a period not to exceed 60 consecutive days immediately following the purchase. ~~An individual shall not operate a motor vehicle, motorboat, snowmobile, or all-terrain vehicle with a number plate with temporary validation stickers, a temporary number plate, or a temporary decal attached to the motor vehicle or carried in the motorboat except as provided in this section.~~

Sec. 10. 23 V.S.A. § 459 is amended to read:

§ 459. NOTICE, APPLICATION, AND FEES TO COMMISSIONER

(a) Upon issuing a number plate ~~with temporary validation stickers~~, a temporary number plate, or a temporary decal to a purchaser, a dealer shall have 15 calendar days, or up to 30 calendar days as applicable pursuant to subsection 2015(b) of this title, to forward to the Commissioner the application and fee, deposited with ~~him or her~~ the dealer by the purchaser, together with notice of such issue and such other information as the Commissioner may require.

(b) If a number plate with ~~temporary validation stickers~~, a temporary registration plate, or a temporary decal is not issued by a dealer in connection with the sale or exchange of a vehicle or motorboat, the dealer may accept from the purchaser a properly executed registration, tax, and title application and the required fees for transmission to the Commissioner. The dealer shall have 15 calendar days, or up to 30 calendar days as applicable pursuant to subsection 2015(b) of this title, to forward to the Commissioner the application and fee together with such other information as the Commissioner may require.

Sec. 11. 23 V.S.A. § 465 is amended to read:

§ 465. LOANING OF PLATES, VEHICLES, OR MOTORBOATS

PROHIBITED

A dealer shall not lend or lease registration certificates, ~~validation stickers~~, numbers, decals, or number plates that have been assigned to ~~him or her~~ the dealer under the provisions of this chapter, nor shall ~~he or she~~ the dealer lend or lease a vehicle or motorboat to which ~~his or her~~ the dealer's decals, numbers, or number plates have been attached, nor lend or lease ~~his or her~~ the dealer's decals, numbers, or number plates to a subagent.

Sec. 12. 23 V.S.A. § 494 is amended to read:

§ 494. FEES

The annual fee for a transporter's registration certificate, or number plate, ~~or validation sticker~~ is \$123.00.

Sec. 13. 23 V.S.A. § 511 is amended to read:

§ 511. MANNER OF DISPLAY

(a) Number plates. A motor vehicle operated on any highway shall have displayed in a conspicuous place either one or two number plates as the Commissioner may require. Such number plates shall be furnished by the Commissioner and shall show the number assigned to such vehicle by the Commissioner. If only one number plate is furnished, the same shall be securely attached to the rear of the vehicle. If two are furnished, one shall be securely attached to the rear and one to the front of the vehicle. The number plates shall be kept entirely unobscured, and the numerals and letters thereon shall be plainly legible at all times. They shall be kept horizontal, shall be so fastened as not to swing, excepting, however, there may be installed on a motor truck or truck tractor a device that would, upon contact with a substantial object, permit the rear number plate to swing toward the front of the vehicle, provided such device automatically returns the number plate to its original rigid position after contact is released, and the ground clearance of the lower edges thereof shall be established by the Commissioner pursuant to the provisions of 3 V.S.A. chapter 25.

~~(b) Validation sticker. A registration validation sticker shall be unobstructed and shall be affixed as follows:~~

~~(1) for vehicles issued registration plates with dimensions of approximately 12 x 6 inches, in the lower right corner of the rear registration plate; and~~

~~(2) for vehicles issued a registration plate with a dimension of approximately 7 x 4 inches, in the upper right corner of the rear registration plate. [Repealed.]~~

(c) Violation. A person shall not operate a motor vehicle unless a number plate or number plates and ~~a validation sticker~~ are displayed as provided in this section.

~~(d) Failure to display a validation sticker. An operator cited for violating subsection (c) of this section with respect to failure to display a validation sticker on a pleasure car, motorcycle, or truck that could be registered for less than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if he or she is cited within the 14 days following the expiration of the motor vehicle's registration. [Repealed.]~~

* * *

Sec. 14. VALIDATION STICKER REQUIREMENTS IN RULE

(a) Registration and Operation of Snowmobiles, Approved Helmets and VAST Snowmobile Registrations.

(1) Notwithstanding Department of Motor Vehicles, Registration and Operation of Snowmobiles, Approved Helmets and VAST Snowmobile Registrations (CVR 14-050-027), Secs. I(3)(a) and III:

(A) the Department of Motor Vehicles shall not issue temporary and permanent validation stickers, temporary and permanent validating stickers, or “S” stickers;

(B) operators of snowmobiles shall not be required to display temporary or permanent validation stickers, temporary or permanent validating stickers, or “S” stickers; and

(C) the Vermont Association of Snow Travelers (VAST) shall not be required to maintain a log of “S” stickers or have unused registration “S” stickers available for inspection in Department of Motor Vehicles audits, nor shall VAST agents be eligible to issue “S” stickers.

(2) The Department of Motor Vehicles shall amend the Approved Helmets and VAST Snowmobile Registrations rule to eliminate requirements related to temporary and permanent validation stickers, temporary and permanent validating stickers, and “S” stickers the next time the rule is amended pursuant to 3 V.S.A. chapter 25.

(b) Vermont Dealer Licensing and Schedule of Penalties and Suspension.

(1) Notwithstanding Department of Motor Vehicles, Vermont Dealer Licensing and Schedule of Penalties and Suspension (CVR 14-050-050), Sec. VI(j), there shall not be an administrative penalty assessed for a dealer failing to display a validation sticker on a dealer’s registration plate.

(2) The Department of Motor Vehicles shall amend the Vermont Dealer Licensing and Schedule of Penalties and Suspension rule to eliminate the administrative penalty for a dealer failing to display a validation sticker on a dealer’s registration plate the next time the rule is amended pursuant to 3 V.S.A. chapter 25.

* * * Electronic Proof of Registration * * *

Sec. 15. 23 V.S.A. § 307 is amended to read:

§ 307. CARRYING OF REGISTRATION CERTIFICATE; REPLACEMENT

AND CORRECTED CERTIFICATES

(a) ~~A person~~ An individual shall not operate a motor vehicle nor draw a trailer or semi-trailer unless all required registration certificates are carried in some easily accessible place in the motor vehicle or electronically on a portable electronic device; however, use of a device for this purpose does not in itself constitute consent for an enforcement officer to access other contents of the device.

* * *

(d)(1) An operator cited for violating subsection (a) of this section shall not be convicted if the operator sends a copy of or produces to the issuing enforcement agency within seven business days after the traffic stop proof of a valid registration certificate that was in effect at the time of the traffic stop.

(2) An operator cited for violating subsection (a) of this section with respect to a pleasure car, motorcycle, or truck that could be registered for less than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if ~~he or she~~ the operator is cited within the 14 days following the expiration of the motor vehicle's registration.

* * * Registration Fees; Plug-In Electric Vehicles * * *

Sec. 16. 23 V.S.A. § 361 is amended to read:

§ 361. PLEASURE CARS

The annual registration fee for ~~registration of any motor vehicle of the a pleasure car type, and all vehicles powered by electricity as defined in subdivision 4(28) of this title, and including a pleasure car that is a plug-in electric vehicle, as defined in subdivision 4(85) of this title,~~ shall be \$74.00; and the biennial fee shall be \$136.00.

Sec. 17. 23 V.S.A. § 362 is amended to read:

§ 362. SPECIALIZED FUEL MOTOR VEHICLES AND MOTOR BUSES

(a) The annual registration fee for ~~the registration of any "specialized fuel driven motor vehicle", as defined in section subdivision 4(22) of this title,~~ and of motor buses, as defined in section 3002 of this title, shall be one and three-quarters times the amount of the annual fee provided for a motor vehicle of the classification and weight under the terms of this chapter.

(b) Notwithstanding subsection (a) of this section, the annual and biennial registration fees for a pleasure car, as defined in subdivision 4(28) of this title, that is a plug-in electric vehicle, as defined in subdivision 4(85) of this title,

shall be determined pursuant to section 361 of this chapter, and the annual registration fee for a motorcycle, as defined in subdivision 4(18)(A) of this title, that is a plug-in electric vehicle, as defined in subdivision 4(85) of this title, shall be determined pursuant to section 364 of this chapter.

* * * Distracted Driving; Hands-Free Use * * *

Sec. 18. 23 V.S.A. § 1095b is amended to read:

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

PROHIBITED

(a) ~~Definition~~ Definitions. As used in this section, ~~“hands-free;~~

(1) “Hands-free use” means the use of a portable electronic device without use of utilizing either hand by employing an internal feature of, or an attachment to, the device or a motor vehicle.

(2) “Public highway” means a State or municipal highway as defined in 19 V.S.A. § 1(12).

(3) “Securely mounted” means the portable electronic device is placed in an accessory specifically designed or built to support the hands-free use of a portable electronic device that is not affixed to the windshield in violation of section 1125 of this title and either:

(A) is utilized in accordance with manufacturer specifications; or

(B) causes the portable electronic device to remain completely stationary under typical driving conditions.

(4) “Use” means the use of a portable electronic device in any way that is not a hands-free use, including an operator of a motor vehicle holding a portable electronic device in the operator’s hand or hands while operating a motor vehicle.

(b) Use of handheld portable electronic device prohibited.

(1) An individual shall not use a portable electronic device while operating:

(A) a moving motor vehicle in a place open temporarily or permanently to public or general circulation of vehicles.; or

(2) ~~In addition, an individual shall not use a portable electronic device while operating~~

(B) a motor vehicle on a public highway in Vermont, including while the vehicle is stationary, unless otherwise provided in this section. As used in this subdivision (b)(2):

~~(A) “Public highway” means a State or municipal highway as defined in 19 V.S.A. § 1(12).~~

~~(B) “Operating” means operating a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other temporary delays. “Operating” does not include operating a motor vehicle with or without the motor running when the operator has moved the vehicle to the side of or off the public highway and has halted in a location where the vehicle can safely and lawfully remain stationary including while temporarily stationary because of traffic, a traffic control device, or other temporary delays.~~

~~(3)(2) The prohibitions of this subsection shall not apply:~~

~~(A) To to hands-free use;~~

~~(B) To to activation or deactivation of hands-free use, as long as any accessory for securely mounting the device is not affixed to the windshield in violation of section 1125 of this title. provided the portable electronic device is securely mounted or the activation or deactivation is done through an internal feature of the device or the motor vehicle being operated and without the operator utilizing either hand to hold the portable electronic device;~~

~~(C) ~~When~~ when use of a portable electronic device is necessary for an individual to communicate with law enforcement or emergency service personnel under emergency circumstances or in response to a direction or order from law enforcement;~~

~~(D) To to use of an ignition interlock device, as defined in section 1200 of this title;~~

~~(E) To to use of a global positioning or navigation system if it is installed by the manufacturer or securely mounted in the vehicle ~~in a manner that does not violate section 1125 of this title. As used in this subdivision (b)(3)(E), “securely mounted” means the device is placed in an accessory or location in the vehicle, other than the operator’s hands, where the device will remain stationary under typical driving conditions; or~~~~

~~(F) when the operator has moved the motor vehicle to the side of or off the public highway and has halted, with or without the motor running, in a location where the vehicle can safely and lawfully remain stationary.~~

* * *

* * * Total Abstinence Program * * *

Sec. 19. 23 V.S.A. § 1209a is amended to read:

§ 1209a. CONDITIONS OF REINSTATEMENT; ALCOHOL AND

DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS

(a) Conditions of reinstatement. No license or privilege to operate suspended or revoked under this subchapter, except a license or privilege to operate suspended under section 1216 of this title, shall be reinstated except as follows:

(1) In the case of a first suspension, a license or privilege to operate shall be reinstated only:

(A) after the ~~person~~ individual has successfully completed the Alcohol and Driving Education Program, at the ~~person's~~ individual's own expense, followed by an assessment of the need for further treatment by a State-designated counselor, at the ~~person's~~ individual's own expense, to determine whether reinstatement should be further conditioned on satisfactory completion of a therapy program agreed to by the ~~person~~ individual and the Drinking Driver Rehabilitation Program Director;

(B) if the screening indicates that therapy is needed, after the ~~person~~ individual has satisfactorily completed or shown substantial progress in completing a therapy program at the ~~person's~~ individual's own expense agreed to by the ~~person~~ individual and the Driver Rehabilitation Program Director;

(C) if the ~~person~~ individual elects to operate under an ignition interlock RDL or ignition interlock certificate, after the ~~person~~ individual operates under the RDL or certificate for the applicable period set forth in subsection 1205(a) or section 1206 of this title, plus any extension of this period arising from a violation of section 1213 of this title; and

(D) if the ~~person~~ individual has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.

(2) In the case of a second suspension, a license or privilege to operate shall not be reinstated until:

(A) the ~~person~~ individual has successfully completed an alcohol and driving rehabilitation program;

(B) the ~~person~~ individual has completed or shown substantial progress in completing a therapy program at the ~~person's~~ individual's own expense agreed to by the ~~person~~ individual and the Driver Rehabilitation Program Director;

(C) after the ~~person~~ individual operates under an ignition interlock RDL or ignition interlock certificate for 18 months or, in the case of a ~~person~~ someone subject to the one-year hard suspension prescribed in subdivision

1213(a)(1)(C) of this title, for one year, plus any extension of the relevant period arising from a violation of section 1213 of this title, except if otherwise provided in subdivision (4) of this subsection (a); and

(D) the ~~person~~ individual has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.

(3) In the case of a third or subsequent suspension or a revocation, a license or privilege to operate shall not be reinstated until:

(A) the ~~person~~ individual has successfully completed an alcohol and driving rehabilitation program;

(B) the ~~person~~ individual has completed or shown substantial progress in completing a therapy program at the ~~person's~~ individual's own expense agreed to by the ~~person~~ individual and the Driver Rehabilitation Program Director;

(C) the ~~person~~ individual has satisfied the requirements of subsection (b) of this section; and

(D) the ~~person~~ individual has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.

(4) The Commissioner shall waive a requirement under subdivision (2) of this subsection or subsection (b) of this section that a ~~person~~ an individual operate under an ignition interlock RDL or certificate prior to eligibility for reinstatement if:

(A) the ~~person~~ individual furnishes sufficient proof as prescribed by the Commissioner that ~~he or she~~ the individual is incapable of using an ignition interlock device because of a medical condition that will persist permanently or at least for the term of the suspension or, in the case of suspensions or revocations for life, for a period of at least three years; or

(B) the underlying offenses arose solely from being under the influence of a drug other than alcohol.

(b) Total Abstinence Program.

(1) As used in this subsection:

(A) "Drug" means:

(i) a regulated drug, as defined in 18 V.S.A. § 4201, that is used in any way other than as prescribed for a legitimate medical use in conformity with instructions from the prescriber; or

(ii) any substance or combination of substances, other than alcohol or a regulated drug, that potentially affects the nervous system, brain, or muscles of an individual so as to impair an individual's ability to drive a vehicle safely to the slightest degree.

(B) "Total abstinence" means refraining from consuming any amount of alcohol or drugs at any time, regardless of whether the alcohol or drugs are consumed by an individual when attempting to operate, operating, or in actual physical control of a vehicle.

~~(2)(A) Notwithstanding any other provision of this subchapter, a person an individual whose license or privilege to operate has been suspended or revoked for life under this subchapter may apply to the Commissioner for reinstatement of his or her the individual's driving privilege if the individual satisfies the requirements set forth in subdivision (3) of this subsection (b). The person shall have completed three years of total abstinence from consumption of alcohol and nonprescription regulated drugs. The use of a regulated drug in accordance with a valid prescription shall not disqualify an applicant for reinstatement of his or her driving privileges unless the applicant used the regulated drug in a manner inconsistent with the prescription label.~~

(B) The beginning date for the period of total abstinence shall be not earlier than the effective date of the suspension or revocation from which the ~~person~~ individual is requesting reinstatement and shall not include any period during which the ~~person~~ individual is serving a sentence of incarceration to include furlough. The application shall include the applicant's authorization for a urinalysis examination, or another examination if it is approved as a preliminary screening test under this subchapter, to be conducted prior to reinstatement under this subdivision (2). The application to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.

~~(2)(3) If the Commissioner or a medical review board convened by the Commissioner is satisfied by a preponderance of the evidence that the applicant has abstained for the required number of years maintained total abstinence for the three years immediately preceding the application, has successfully completed a therapy program as required under this section, and has operated under a valid ignition interlock RDL or under an ignition interlock certificate for at least three years following the suspension or revocation, and the person applicant provides a written acknowledgment that he or she cannot drink any amount of alcohol at all and cannot consume nonprescription regulated drugs under any circumstances the applicant must maintain total abstinence at all times while participating in the Total~~

Abstinence Program, the ~~person's~~ applicant's license or privilege to operate shall be reinstated immediately, subject to the condition that the ~~person's~~ applicant's suspension or revocation will be put back in effect in the event any further investigation reveals a ~~return to the consumption of alcohol or drugs~~ failure to maintain total abstinence and to ~~such~~ any additional conditions as the Commissioner may impose to advance the public interest in public safety. The requirement to operate under an ignition interlock RDL or ignition interlock certificate shall not apply if the ~~person~~ applicant is exempt under subdivision (a)(4) of this section.

~~(3)~~(4) If after notice and an opportunity for a hearing the Commissioner later finds that the ~~person~~ individual was violating the conditions of the ~~person's~~ individual's reinstatement under this subsection, the ~~person's~~ individual's operating license or privilege to operate shall be immediately suspended or revoked for life.

~~(4)~~(5) If the Commissioner finds that a ~~person~~ an individual reinstated under this subsection is suspended pursuant to section 1205 of this title or is convicted of a violation of section 1201 of this title subsequent to reinstatement under this subsection, the ~~person~~ individual shall be conclusively presumed to be in violation of the conditions of ~~his or her~~ the reinstatement.

~~(5)~~(6) A ~~person~~ An individual shall be eligible for reinstatement under this subsection only once following a suspension or revocation for life.

~~(6)~~(7)(A) If an applicant for reinstatement under this subsection (b) resides in a jurisdiction other than Vermont, the Commissioner may elect not to conduct an investigation. If the Commissioner elects not to conduct an investigation, ~~he or she~~ the Commissioner shall provide a letter to the applicant's jurisdiction of residence stating that Vermont does not object to the jurisdiction issuing the applicant a license if the applicant is required to operate only vehicles equipped with an ignition interlock device for at least a three-year period, unless exempt under subdivision (a)(4) of this section, and is required to complete any alcohol rehabilitation or treatment requirements of the licensing jurisdiction.

(B) If the applicant's jurisdiction of residence is prepared to issue or has issued a license in accordance with subdivision (A) of this subdivision (6) and the applicant satisfies the requirements of section 675 of this title, the Commissioner shall update relevant State and federal databases to reflect that the applicant's lifetime suspension or revocation in Vermont under chapter 13, subchapter 13 of this title has terminated.

(c) Screening and therapy programs. In the case of a second or subsequent suspension, the Commissioner shall notify the ~~person that he or she is required~~

individual of the requirement to enroll in the alcohol and driving education screening and therapy program provided for in this section within 30 days of after license suspension. If the person individual fails to enroll or fails to remain so enrolled until completion, the Drinking Driver Rehabilitation Program shall report such failure to the sentencing court. The court may order the person individual to appear and show cause why he or she the individual failed to comply.

(d) Judicial review. ~~A person~~ An individual aggrieved by a decision of a designated counselor under this section may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

* * *

Sec. 20. CURRENT TOTAL ABSTINENCE PROGRAM PARTICIPANTS

(a) Not later than September 1, 2023, the Commissioner of Motor Vehicles shall provide written notice to all individuals participating in or applying to participate in the Total Abstinence Program as of the effective date of this section of amendments to 23 V.S.A. § 1209a and that, as of the effective date of this section, they must maintain total abstinence, as defined in 23 V.S.A. § 1209a(b)(1) as amended by Sec. 19 of this act, at all times while participating in or applying to participate in the Total Abstinence Program. Notice shall be mailed to an individual's residence or mailing address as currently listed with the Department of Motor Vehicles.

(b) Notwithstanding any provision of law to the contrary, the license or privilege to operate of an individual participating in the Total Abstinence Program on the effective date of this section may be suspended or revoked for life in accordance with 23 V.S.A. § 1209a(b)(3), as amended by Sec. 19 of this act, in the event that any further investigation reveals a failure to maintain total abstinence, as defined in 23 V.S.A. § 1209a(b)(1) as amended by Sec. 19 of this act.

* * * Overweight Permits * * *

Sec. 21. 23 V.S.A. § 1392 is amended to read:

§ 1392. GROSS WEIGHT LIMITS ON HIGHWAYS

Except as provided in section 1400 of this title, a person or corporation shall not operate or cause to be operated a motor vehicle in excess of the total weight, including vehicle, object, or contrivance and load, of:

* * *

(3) No vehicle may exceed a gross weight in excess of 80,000 pounds unless the operator or owner of the vehicle has complied with the provisions of section 1400 of this title or except as otherwise provided in this section.

* * *

(13) Despite the axle-load provisions of section 1391 of this title and the maximum gross load of subdivision (4) of this section, a special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person ~~or corporation~~ operating on designated routes on the State Highway System for a fee of ~~\$415.00~~ \$382.00 for each vehicle ~~that must be~~ registered for a weight of 80,000 pounds. This special permit shall be issued only for a combination of vehicle and semi-trailer or trailer equipped with five or more axles, with a distance between axles that meets the minimum requirements of registering the vehicle to 80,000 pounds as allowed under subdivision (4) of this section. The maximum gross load under this special permit shall be 90,000 pounds. Unless authorized by federal law, this subdivision shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(14) Despite the axle-load provisions of section 1391 of this title and the axle spacing and maximum gross load provisions of subdivision (4) of this section, a special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person ~~or corporation~~ transporting loads on vehicles on designated routes on the State Highway System for the following fees for each vehicle unit. Unless authorized by federal law, the provisions of this subdivision regarding weight limits, or tolerances, or both, shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways. This special permit shall be issued for the following vehicles and conditions:

* * *

(16) Notwithstanding the axle load provisions of section 1391 of this title and the maximum gross load of subdivision (4) of this section, a five or more axle truck tractor, semi-trailer combination, or truck trailer combination, when the load consists solely of unprocessed milk products as defined in subdivision 4(55) of this title, may be registered for and operated with a maximum gross weight of 90,000 pounds on State highways without permit and upon posted State and town highways ~~and those highways designated as the Dwight D. Eisenhower National System of Interstate and Defense~~

~~Highways~~ when the vehicle has been issued a permit in compliance with the provisions of section 1400 of this title; however:

(A) Vehicles operated pursuant to this subdivision (16) shall be subject to the same axle spacing restrictions as are applied to five or more axle vehicles registered to 80,000 pounds as set forth in subdivision (4) of this section.

~~(B) On those highways designated as the Dwight D. Eisenhower National System of Interstate and Defense Highways, the provisions of subsection 1391(e) of this title shall apply unless other axle load limits, tolerances, or both, are authorized under federal law. Unless prohibited by federal law, the provisions of this subdivision (16) shall apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways.~~

~~(C) The fee for the annual permit as provided in this subdivision (16) shall be \$10.00 when the fee has been paid to register the vehicle for 90,000 pounds or \$382.00 when the vehicle is registered for 80,000 pounds. [Repealed.]~~

(17) Notwithstanding the gross vehicle weight provisions of subdivision (4) of this section, a truck trailer combination or truck tractor, semi-trailer combination with six or more load-bearing axles registered for 80,000 pounds shall be allowed to bear a maximum of 99,000 pounds by special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following the date of issue, for operating on designated routes on State and town highways, subject to the following:

(A) The combination of vehicles must have, as a minimum, a distance of 51 feet between extreme axles.

(B) The axle weight provisions of section 1391 of this title and ~~subdivision 1392~~ the axle weight provisions of subdivisions (6)(A)-(D) of this section shall also apply to vehicles permitted under this subdivision (17).

(C) When determining the ~~fine~~ civil penalty for a gross overweight violation of this subdivision (17), the ~~fine~~ civil penalty for any portion of the first 10,000 pounds over the permitted weight shall be the same as provided in section 1391a of this title, and for overweight violations 10,001 pounds or more over the permitted weight, the ~~fine~~ civil penalty schedule provided in section 1391a shall be doubled.

(D) The weight permitted by this subdivision (17) shall be allowed for foreign trucks that are registered or permitted for 99,000 pounds in a state

or province that recognizes Vermont vehicles for weights consistent with this subdivision (17).

(E) Unless authorized by federal law, the provisions of this subdivision (17) shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(F) The fee for the annual permit as provided in this subdivision (17) shall be ~~\$415.00~~ \$382.00 for vehicles bearing up to 90,000 pounds and \$560.00 for vehicles bearing up to 99,000 pounds.

* * *

(19)(A) A person issued a permit under the provisions of subdivision (13), (14), ~~(16)~~, or (17) of this section, and upon payment of a \$10.00 administrative fee for each additional permit, may obtain additional permits for the same vehicle, provided the additional permit is for a lesser weight and provided the vehicle or combination of vehicles meets the minimum requirements for the permit sought as set forth in this section.

* * *

Sec. 22. [Deleted.]

* * * Electronic Permits * * *

Sec. 23. 23 V.S.A. § 1392 is amended to read:

§ 1392. GROSS WEIGHT LIMITS ON HIGHWAYS

Except as provided in section 1400 of this title, a person ~~or corporation~~ shall not operate or cause to be operated a motor vehicle in excess of the total weight, including vehicle, object, or contrivance and load, of:

* * *

~~(21) All permits issued pursuant to this section shall be carried in the vehicle. The fine for violation of this subdivision shall be \$150.00. A violation of this subdivision shall be considered an offense separate from an overweight violation. [Repealed.]~~

Sec. 24. 23 V.S.A. § 1455 is added to read:

§ 1455. CARRYING OF PERMITS IN THE PERMITTED MOTOR VEHICLE

All permits issued pursuant to this subchapter shall be carried in the motor vehicle in either paper or electronic form. Use of a portable electronic device to display an electronic permit does not in itself constitute consent for an enforcement officer to access other contents of the device. The civil penalty

for violation of this section shall be \$150.00. A violation of this section shall be considered an offense separate from any other related violations.

* * * Title * * *

* * * Prospective Elimination of 15-Year Limitation; Electronic Title * * *

Sec. 25. 23 V.S.A. § 2012 is amended to read:

§ 2012. EXEMPTED VEHICLES

No certificate of title need be obtained for:

* * *

(10) a vehicle that is more than 15 years old on January 1, 2024.

Sec. 26. 23 V.S.A. § 2013 is amended to read:

§ 2013. ~~WHEN CERTIFICATE REQUIRED; ISSUANCE OF EXEMPT
VEHICLE TITLE UPON REQUEST~~

(a)(1) Except as provided in section 2012 of this title, the provisions of this chapter shall apply to and a title must be obtained for all motor vehicles at the time of first registration or when a change of registration is required under the provisions of section 321 of this title by reason of a sale for consideration.

~~(2) In addition, a Vermont resident may apply at any time to the Commissioner to obtain an “exempt vehicle title” for a vehicle that is more than 15 years old. Such titles shall be in a form prescribed by the Commissioner and shall include a legend indicating that the title is issued under the authority of this subdivision. The Commissioner shall issue an exempt vehicle title if the applicant pays the applicable fee and fulfills the requirements of this section, and if the Commissioner is satisfied that:~~

~~(A) the applicant is the owner of the vehicle;~~

~~(B) the applicant is a Vermont resident; and~~

~~(C) the vehicle is not subject to any liens or encumbrances.~~

~~[Repealed.]~~

~~(3) Prior to issuing an exempt vehicle title pursuant to subdivision (2) of this subsection, the Commissioner shall require all of the following:~~

~~(A) The applicant to furnish one of the following proofs of ownership, in order of preference:~~

~~(i) a previous Vermont or out-of-state title indicating the applicant’s ownership;~~

~~(ii) an original or a certified copy of a previous Vermont or out-of-state registration indicating the applicant's ownership;~~

~~(iii) sufficient evidence of ownership as determined by the Commissioner, including bills of sale or original receipts for major components of homebuilt vehicles; or~~

~~(iv) a notarized affidavit certifying that the applicant is the owner of the vehicle and is unable to produce the proofs listed in subdivisions (i)–(iii) of this subdivision (3)(A) despite reasonable efforts to do so.~~

~~(B) A notarized affidavit certifying:~~

~~(i) the date the applicant purchased or otherwise took ownership of the vehicle;~~

~~(ii) the name and address of the seller or transferor, if known;~~

~~(iii) that the applicant is a Vermont resident; and~~

~~(iv) that the vehicle is not subject to any liens or encumbrances.~~

~~(C) Assignment of a new vehicle identification number pursuant to section 2003 of this title, if the vehicle does not have one. [Repealed.]~~

* * *

Sec. 27. 23 V.S.A. § 2017 is amended to read:

§ 2017. ISSUANCE OF CERTIFICATE; RECORDS

(a) The Commissioner shall file each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle, without regard to the age of the vehicle.

(b) The Commissioner may issue an electronic certificate of title, provided that the applicant is entitled to the issuance of the certificate of title pursuant to subsection (a) of this section.

~~(c) The Commissioner shall maintain at his or her central office a record of all certificates of title issued by him or her for vehicles 15 years old and newer, and of all exempt vehicle titles issued by him or her, under a distinctive title number assigned to the vehicle; under the identification number of the vehicle; alphabetically, under the name of the owner; and, in the discretion of the Commissioner, by any other method he or she the Commissioner determines. The original records may be maintained on microfilm or electronic imaging.~~

Sec. 28. 23 V.S.A. § 2091(a) is amended to read:

(a) Except for vehicles for which no certificate of title is required pursuant to section 2012 of this title ~~and for vehicles that are more than 15 years old~~, any person who purchases or in any manner acquires a vehicle as salvage; any person who scraps, dismantles, or destroys a motor vehicle; or any insurance company or representative thereof who declares a motor vehicle to be a total loss, shall apply to the Commissioner for a salvage certificate of title within 15 days ~~of~~ after the time the vehicle is purchased or otherwise acquired as salvage; is scrapped, dismantled, or destroyed; or is declared a total loss. However, an insurance company or representative thereof proceeding under subsection (c) of this section may apply outside this 15-day window to the extent necessary to comply with the requirements of that subsection.

* * * Nonresident Title * * *

Sec. 29. 23 V.S.A. § 2020 is amended to read:

§ 2020. WITHHOLDING OF CERTIFICATE; BOND REQUIRED

If the Commissioner is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the Commissioner may register the vehicle but shall either:

(1) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the Commissioner as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; ~~or~~

(2) As a condition of issuing a certificate of title, require ~~the~~ an applicant who is a Vermont resident to file with the Commissioner a bond in the form prescribed by the Commissioner and executed by the applicant, and either accompanied by the deposit of cash with the Commissioner or also executed by a person authorized to conduct a surety business in this State. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the Commissioner and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be

returned at the end of three years or earlier if the vehicle is no longer registered in this State and the currently valid certificate of title is surrendered to the Commissioner, unless the Commissioner has been notified of the pendency of an action to recover on the bond. The Commissioner shall not issue titles to nonresidents under the provisions of this subdivision.

* * * Towing; Abandoned Vehicles * * *

Sec. 30. 23 V.S.A. § 4(88) is added to read:

(88) “Towing business” means a person that regularly engages in one or more of the following: recovery, impoundment, transport, storage, or disposal of motor vehicles.

Sec. 31. 23 V.S.A. § 2151 is amended to read:

§ 2151. DEFINITIONS

As used in this subchapter:

(1)(A) “Abandoned motor vehicle” means:

(i) a motor vehicle that has remained on public or private property or on or along a highway for more than 48 hours without the consent of the owner or person in control of the property and has a valid registration plate or public vehicle identification number that has not been removed, destroyed, or altered; or

(ii) a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for any period of time if:

(I) the vehicle does not have a valid registration plate or the public vehicle identification number has been removed, destroyed, or altered; or

(II) a law enforcement officer has requested that the vehicle be removed by a towing business.

(B) “Abandoned motor vehicle” does not include a vehicle or other equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which is left in a manner that does not interfere with the normal movement of traffic.

(2) “Landowner” means a person who owns or leases or otherwise has authority to control use of real property.

(3) “Law enforcement officer” means a State Police officer, municipal police officer, motor vehicle inspector, Capitol Police officer, constable,

sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council under 20 V.S.A. § 2358.

(4) “Motor vehicle” means all vehicles propelled or drawn by power other than muscular power that have, or could have, one or more of the following:

(A) a registration plate, registration decal, or certificate of number;

(B) a public vehicle identification number; or

(C) a certificate of title.

~~(3)~~(5) “Public vehicle identification number” means the public vehicle identification number that is usually visible through the windshield and attached to the driver’s side of the dashboard, instrument panel, or windshield pillar post or on the doorjamb on the driver’s side of the vehicle.

Sec. 32. 23 V.S.A. § 2153(a) is amended to read:

(a) A landowner on whose property an abandoned motor vehicle is located was discovered or has been relocated to shall apply to the Department for an abandoned motor vehicle certification on forms supplied by the Department within 30 90 days of after the date the vehicle was discovered on or brought to the property unless the vehicle has been removed from the property or relocated. An abandoned motor vehicle certification form shall indicate the date that the abandoned motor vehicle was discovered or brought to the property relocated; the make, color, model, and location of the vehicle; the name, address, and telephone number of the landowner of the property where the vehicle is currently located; and a certification of the public vehicle identification number, if any, to be recorded prepared by a law enforcement officer, licensed dealer, or inspection station designated by the Commissioner of Motor Vehicles. This subsection shall not be construed as creating a private right of action against the landowner of the property where an abandoned motor vehicle is located.

Sec. 33. 23 V.S.A. § 2158 is amended to read:

§ 2158. FEES FOR TOWING; PUBLIC PROPERTY; FUNDING

(a) A towing service may charge a fee of up to \$40.00 \$125.00 for towing an abandoned motor vehicle from public property under the provisions of sections 2151–2157 of this title subchapter. This fee shall be paid to the towing service upon the issuance by the Department of Motor Vehicles of a certificate of abandoned motor vehicles under section 2156 of this title. The Commissioner of Motor Vehicles shall notify the Commissioner of Finance and Management who shall issue payment to the towing service for vehicles

~~removed from public property. Payments under this section shall terminate upon the payment of a total of \$16,000.00 for towing abandoned motor vehicles from public property in any fiscal year. A towing company shall not be eligible for more than 50 percent of this annual allocation.~~

~~(b) The Commissioner of Motor Vehicles is authorized to expend up to \$16,000.00 of the Department's annual appropriation for the purpose of this section. [Repealed.]~~

Sec. 34. REPORTS ON AMOUNT PAID BY STATE FOR TOWING

ABANDONED MOTOR VEHICLES FROM PUBLIC PROPERTY

(a) The Department of Motor Vehicles shall provide an oral report on the following to the House and Senate Committees on Transportation on or before February 15, 2024:

(1) the amount paid by the State pursuant to 23 V.S.A. § 2158 during the first six months of fiscal year 2024; and

(2) a summary of any changes to Department processes related to the payment for the towing of abandoned motor vehicles from public property that were implemented after May 1, 2023.

(b) The Department of Motor Vehicles shall file a written report on the following with the House and Senate Committees on Transportation on or before December 15, 2025:

(1) the amount paid by the State pursuant to 23 V.S.A. § 2158 during fiscal year 2024;

(2) the amount paid by the State pursuant to 23 V.S.A. § 2158 during fiscal year 2025;

(3) a summary of any changes to Department processes related to the payment for the towing of abandoned motor vehicles from public property that were implemented after May 1, 2023; and

(4) any recommendations on changes to State statute related to the towing of abandoned motor vehicles from public property.

Sec. 35. TOWING WORKING GROUP; REPORT

(a) The Office of the Attorney General, in consultation with the Department of Financial Regulation, the Department of Motor Vehicles, the Office of Professional Regulation, and the Office of the Vermont State Treasurer, shall engage in a working group process to study vehicle towing practices in the State of Vermont.

(b) The working group process shall include stakeholder engagement and at least one public hearing. The following shall be invited to participate as a stakeholder:

- (1) AAA Northern New England;
- (2) Associated General Contractors of Vermont;
- (3) Association of Vermont Credit Unions;
- (4) Vermont Bankers Association;
- (5) Vermont Insurance Agents Association;
- (6) Vermont League of Cities and Towns;
- (7) Vermont Legal Aid;
- (8) Vermont Towing Association;
- (9) Vermont Truck and Bus Association;
- (10) Vermont Public Interest Research Group; and
- (11) any other persons identified by the Office of the Attorney General.

(c) The study shall, at a minimum, address:

(1) pricing of pleasure car and commercial vehicle towing and recovery, including from State and town highways that are restricted based on motor vehicle size;

(2) crash site remediation, including costs borne by towing companies;

(3) storage practices, including:

(A) pricing;

(B) vehicle access for removal of personal belongings; and

(C) vehicle access for removal of cargo;

(4) practices relating to abandonment or suspected abandonment when necessary or appropriate;

(5) any applicable recommendations for amendments to State statute;

(6) best practices from other states; and

(7) any other information that the Office of the Attorney General deems pertinent to the study.

(d) The Attorney General shall file a written report on the study, including any recommendations it deems appropriate, with the House Committees on Commerce and Economic Development, on Government Operations and

Military Affairs, and on Transportation and the Senate Committees on Economic Development, Housing and General Affairs, on Finance, on Government Operations, and on Transportation on or before December 15, 2023.

* * * Proof of Liability Insurance; Snowmobiles * * *

Sec. 36. 23 V.S.A. § 3206(b) is amended to read:

(b) A snowmobile shall not be operated:

* * *

(19) Without carrying proof of liability insurance as described in this subdivision. No owner or operator of a snowmobile shall operate or permit the operation of the snowmobile on the Statewide Snowmobile Trail System or public right of way, except on the property of the owner, without having in effect a liability policy or bond in the amounts of at least \$25,000.00 for one person and \$50,000.00 for two or more persons killed or injured and \$10,000.00 for damages to property in any one crash. In lieu thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed with the Commissioner. Such financial responsibility shall be maintained and evidenced in a form prescribed by the Commissioner. The standards and process established in subsection 801(c) of this title shall be adopted. An operator may prove financial responsibility using a portable electronic device; however, use of a device for this purpose does not in itself constitute consent for an enforcement officer to access other contents of the device. An operator cited for violating this subsection shall not be convicted if the operator sends or produces to the issuing enforcement agency within seven business days after the traffic stop proof of financial responsibility that was in effect at the time of the traffic stop.

* * *

* * * Commercial Driver's License; Federal Motor Carrier Safety Administration Drug and Alcohol Clearinghouse * * *

Sec. 37. 23 V.S.A. § 4108 is amended to read:

§ 4108. COMMERCIAL DRIVER'S LICENSE, COMMERCIAL LEARNER'S PERMIT QUALIFICATION STANDARDS

(a) Before issuing a commercial driver's license or commercial learner's permit, the Commissioner shall request the applicant's complete operating record from any state in which the applicant was previously licensed to operate any type of motor vehicle in the past 10 years and conduct a check of the applicant's operating record by querying the National Driver Register

established under 49 U.S.C. § 30302 ~~and~~, the Commercial Driver's License Information System established under 49 U.S.C. § 31309, and the Commercial Driver's License Drug and Alcohol Clearinghouse established under 49 C.F.R. Part 382, Subpart G and required pursuant to 49 C.F.R. § 382.725 to determine if:

- (1) the applicant has already been issued a commercial driver's license;
- (2) the applicant's commercial driver's license has been suspended, revoked, or canceled; or
- (3) the applicant has been convicted of any offense listed in 49 U.S.C. § 30304(a)(3); or
- (4) the applicant has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of 49 C.F.R. § 382.211; or the applicant's employer has reported actual knowledge, as defined at 49 C.F.R. § 382.107, that the applicant used alcohol on duty in violation of 49 C.F.R. § 382.205, used alcohol before duty in violation of 49 C.F.R. § 382.207, used alcohol following an accident in violation of 49 C.F.R. § 382.209, or used a controlled substance in violation of 49 C.F.R. § 382.213.

(b) The Commissioner shall not issue a commercial driver's license or commercial learner's permit to any individual:

* * *

(4) Who has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of 49 C.F.R. § 382.211; or for whom an employer has reported actual knowledge, as defined in 49 C.F.R. § 382.107, that the applicant used alcohol on duty in violation of 49 C.F.R. § 382.205, used alcohol before duty in violation of 49 C.F.R. § 382.207, used alcohol following an accident in violation of 49 C.F.R. § 382.209, or used a controlled substance in violation of 49 C.F.R. § 382.213.

* * *

* * * Purchase and Use Tax * * *

Sec. 38. 32 V.S.A. § 8902(5) is amended to read:

(5) "Taxable cost" means the purchase price as defined in subdivision (4) of this section or the taxable cost as determined under section 8907 of this title. For any purchaser who has paid tax on the purchase or use of a motor vehicle that was sold or traded by the purchaser or for which the purchaser

received payment under a contract of insurance, the taxable cost of the replacement motor vehicle other than a leased vehicle shall exclude:

(A) The value allowed by the seller on any motor vehicle accepted by ~~him or her~~ the seller as part of the consideration of the motor vehicle, provided the motor vehicle accepted by the seller is owned and previously or currently registered or titled by the purchaser, with no change of ownership since registration or titling, except for motor vehicles for which registration is not required under the provisions of Title 23 or motor vehicles received under the provisions of subdivision 8911(8) of this title.

(B) The amount received from the sale of a motor vehicle last registered or titled in ~~his or her~~ the seller's name, the amount not to exceed the clean trade-in value of the same make, type, model, and year of manufacture as designated by the manufacturer and as shown in the NADA Official Used Car Guide (New England edition), or any comparable publication, provided such sale occurs within three months ~~of~~ after the taxable purchase. However, this three-month period shall be extended day-for-day for any time that a member of a guard unit or of the U.S. Armed Forces, as defined in 38 U.S.C. § 101(10), spends outside Vermont due to activation or deployment; and an additional 60 days following the ~~person's~~ individual's return from activation or deployment. Such amount shall be reported on forms supplied by the Commissioner of Motor Vehicles.

* * *

Sec. 39. 32 V.S.A. § 8911 is amended to read:

§ 8911. EXCEPTIONS

The tax imposed by this chapter shall not apply to:

* * *

(22) Motor vehicles that have been registered to the applicant ~~for a period of at least three years~~ in a jurisdiction that imposes a state sales or use tax on motor vehicles. An applicant for exemption under this subdivision shall bear the burden of establishing to the satisfaction of the Commissioner that the vehicle was registered in a qualifying jurisdiction ~~for the requisite period~~.

* * *

* * * Gross Weight Limits on Highways; Report * * *

Sec. 40. REPORT ON INCREASING GROSS WEIGHT LIMITS ON
HIGHWAYS THROUGH SPECIAL ANNUAL PERMIT

(a) The Secretary of Transportation or designee, in collaboration with the Commissioner of Forests, Parks and Recreation or designee; the Executive Director of the Vermont League of Cities and Towns or designee; and the President of the Vermont Forest Products Association or designee and with the assistance of the Commissioner of Motor Vehicles or designee, shall examine adding one or more additional special annual permits to 23 V.S.A. § 1392 to allow for the operation of motor vehicles at a gross vehicle weight over 99,000 pounds and shall file a written report on the examination and any recommendations with the House and Senate Committees on Transportation on or before January 15, 2024.

(b) At a minimum, the examination shall address:

(1) allowing for a truck trailer combination or truck tractor, semi-trailer combination transporting cargo of legal dimensions that can be separated into units of legal weight without affecting the physical integrity of the load to bear a maximum of 107,000 pounds on six axles or a maximum of 117,000 pounds on seven axles by special annual permit;

(2) limitations for any additional special annual gross vehicle weight permits based on highway type, including limited access State highway, non-limited-access State highway, class 1 town highway, and class 2 town highway;

(3) limitations for any additional special annual gross vehicle weight permits based on axle spacing and axle-weight provisions;

(4) reciprocity treatment for foreign trucks from a state or province that recognizes Vermont vehicles permitted at increased gross weights;

(5) permit fees for any additional special annual gross vehicle weight permits;

(6) additional penalties, including civil penalties and permit revocation, for gross vehicle weight violations; and

(7) impacts of any additional special annual gross vehicle permits on the forest economy and on the management and forest cover of Vermont's landscape.

* * * Implementation of DMV Modernization Project; Driver Services * * *

Sec. 41. IMPLEMENTATION OF DEPARTMENT OF MOTOR VEHICLES
MODERNIZATION PROJECT; GENERAL ASSEMBLY
OVERSIGHT

(a) Findings. The General Assembly finds that:

(1) The Department of Motor Vehicles provides services to almost all Vermonters, including, in fiscal year 2022, engaging in more than a million transactions, with almost half of all transactions being conducted online.

(2) The Department is in the middle of the DMV Core System Modernization project, with an estimated launch date for the vehicle services module in November 2023 and with the driver services module expected to launch approximately 18 months after it commences in February 2024.

(3) As part of its design and implementation of the vehicle services module, the Department has discovered that one of the barriers to modernizing Department operations is certain outdated statutes. In order to best modernize and optimize Department processes for the future during the months-long module design and development process, the Commissioner of Motor Vehicles has had to make business decisions based on the needs of the Department to modernize processes to best meet the needs of Vermonters. These business decisions will, upon future implementation, conflict with statute if certain statutes are not amended through the legislative process.

(4) The driver services module of the DMV Core System Modernization project will design and implement processes to issue and maintain driver's licenses and other credentials; support fraud detection and investigation; administer hearings; and administer, manage, and report driver restrictions, convictions, and other information related to driver improvement.

(5) Driver services processes are regulated by statute in 23 V.S.A. chapters 1, 3, 5, 9, 11, 24, 25, and 39, as well as more than 15 rules adopted pursuant to authority under Title 23.

(6) It is anticipated that in designing and implementing the driver services module, the Commissioner will, in order to modernize and optimize Department processes to best serve Vermonters, need to make additional business decisions that will, upon future implementation, conflict with statute if certain statutes are not amended through the legislative process.

(7) Of the modernization projects in which the State is currently engaged, the DMV Core System Modernization Project will likely have the most significant impact on existing statutory language, but it is anticipated that other modernization projects, such as the one that the Department of Labor will undertake related to unemployment insurance, will raise similar tensions between promoting efficiencies as part of modernization and contending with outdated statutory provisions.

(8) A collaborative partnership between the Department and the General Assembly throughout the driver services module, monitored during legislative

adjournment by the Joint Transportation Oversight Committee, the Joint Fiscal Committee, and members of the House and Senate Committees on Transportation, provides the best opportunity to save money, promote transparency, streamline the process of amending statute to optimize potential efficiencies for Vermonters, and serve as a model for collaboration between branches of State government in future modernization projects.

(b) Reports.

(1) The Commissioner of Motor Vehicles shall file three written reports on the design and implementation of the driver services module of the DMV Core System Modernization project with the Joint Transportation Oversight Committee, the Joint Fiscal Committee, and the House and Senate Committees on Transportation. The first shall be due on or before July 31, 2024, the second shall be due on or before October 15, 2024, and the third shall be due on or before January 15, 2025.

(2) To the extent practicable, at the time each written report is filed, the Department shall include recommendations on which provisions of statute and rule the Department anticipates will need to be amended or repealed in order to best modernize and optimize Department processes related to the provision of driver services.

(c) General Assembly oversight. To the extent practicable, the Joint Transportation Oversight Committee, the Joint Fiscal Committee, and the House and Senate Committees on Transportation shall promptly express any concerns to the Department regarding any Department recommendations contained in any written report filed pursuant to subsection (b) of this section.

* * * Excessive Motor Vehicle Noise Report * * *

Sec. 42. EXCESSIVE MOTOR VEHICLE NOISE REPORT

(a) The Commissioner of Motor Vehicles, in consultation with the Commissioner of Public Safety and the Vermont League of Cities and Towns, shall study and report on current and potential enforcement practices around excessive motor vehicle noise and make recommendations on ways to limit excessive motor vehicle noise in Vermont.

(b) The study and report shall, at a minimum, address:

(1) if there should be a noise standard in statute or the Periodic Inspection Manual, or both, and, if so, what that standard should be;

(2) costs to incorporate noise testing into the State motor vehicle inspection required under 23 V.S.A. § 1222 and the State's Periodic Inspection Manual;

(3) costs to train law enforcement officers on noise testing;

(4) possible options to address excessive motor vehicle noise that do not involve noise testing such as visual inspections for modifications to a motor vehicle's exhaust system, whether as part of enforcement of the State motor vehicle inspection, and labeling on one or more components of a motor vehicle's exhaust system; and

(5) approaches to minimize excessive motor vehicle noise that have been taken in other states, including increased enforcement by law enforcement coupled with an objective noise standard defense.

(c) On or before January 1, 2025, the Commissioner of Motor Vehicles shall submit a written report to the House and Senate Committees on Judiciary and on Transportation with the Commissioner's findings and any recommendations for legislative action.

* * * Outreach to Municipalities on Speed Limits * * *

Sec. 43. OUTREACH TO MUNICIPALITIES ON SPEED LIMITS

The Agency of Transportation, in consultation with the Vermont League of Cities and Towns and regional planning commissions, shall design and implement a program to provide outreach to municipalities on the setting, posting, and enforcement of speed limits on town highways. The outreach materials shall, at a minimum, provide information on applicable State statutes, applicable portions of the Manual on Uniform Traffic Control Devices, and best practices when it comes to setting and posting speed limits on town highways.

* * * ATV Fees and Penalties * * *

Sec. 44. REPEALS

(a) 2018 Acts and Resolves No. 158, Secs. 29 (July 1, 2023 amendment to 23 V.S.A. § 3513(a)) and 43(c) (effective date) are repealed.

(b) 2022 Acts and Resolves No. 185, Sec. E.702 (July 1, 2023 amendment to 23 V.S.A. § 3513) is repealed.

Sec. 45. 2022 Acts and Resolves No. 185, Sec. H.100(d) is amended to read:

(d) Secs. E.240.1 (7 V.S.A. § 845); E.240.2 (32 V.S.A. § 7909); ~~E.702 (Fish and Wildlife)~~; F.100(b), F.101(b), F.102(b) and F.103 (Executive Branch; Exempt Employees, Misc. Statutory Salaries; Fiscal Year 2024); F.104–106 (Judicial Branch; Statutory Salaries, Fiscal Year 2024); F.107 (Sheriffs, Statutory Salaries, Fiscal Year 2024); F.108 (State's Attorney's; Statutory

Salaries; Fiscal Year 2024); and Secs. F.109(a)(2), F.109(b)(3), and F.109(c)(2) (Appropriations; Fiscal Year 2024) shall take effect on July 1, 2023.

Sec. 46. 23 V.S.A. § 3513(a) is amended to read:

(a) The amount of 90 percent of the fees and penalties collected under this chapter, except interest, is allocated to the ~~Agency of Natural Resources~~ Department of Forests, Parks and Recreation for use by the Vermont ATV Sportsman's Association (VASA) for development and maintenance of a Statewide ATV Trail Program, for trail liability insurance, and to contract for law enforcement services with any constable, sheriff's department, municipal police department, the Department of Public Safety, and the Department of Fish and Wildlife for purposes of trail compliance pursuant to this chapter. The Departments of Public Safety and of Fish and Wildlife are authorized to contract with VASA to provide these law enforcement services. The ~~Agency of Natural Resources~~ Department of Forests, Parks and Recreation shall retain for its use up to \$7,000.00 during each fiscal year to be used for administration of the State grant that supports this ~~program~~ Program.

* * * Effective Dates * * *

Sec. 47. EFFECTIVE DATES

(a) This section and Secs. 1 (new motor vehicle arbitration; 9 V.S.A. § 4173(d)), 2 (definition of mail; 23 V.S.A. § 4(87)), 14 (validation sticker requirements in rule), 15 (electronic proof of registration; 23 V.S.A. § 307), 16 and 17 (plug-in electric vehicle registration fees; 23 V.S.A. §§ 361 and 362), 20 (current Total Abstinence Program participants), and 23 and 24 (electronic permits; 23 V.S.A. §§ 1392(21) and 1455) shall take effect on passage.

(b) Sec. 19 (Total Abstinence Program; 23 V.S.A. § 1209a) shall take effect on passage and apply to all individuals participating in or in the process of applying to participate in the Total Abstinence Program as of the effective date of this section without regard to when the individual's license was reinstated under the Total Abstinence Program.

(c) Secs. 4–13 (license plate stickers; validation stickers) shall take effect on November 1, 2023.

(d) Secs. 25–28 (title; 23 V.S.A. §§ 2012, 2013, 2017, and 2091(a)) shall take effect upon completion of the vehicle services module of the DMV Core System Modernization project.

(e) Sec. 37 (commercial driver's license clearinghouse; 23 V.S.A. § 4108) shall take effect on November 18, 2024.

(f) All other sections shall take effect on July 1, 2023.

(Committee vote: 11-0-0)

Rep. Mattos of Milton, for the Committee on Ways and Means, recommends the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Transportation.

(Committee Vote: 12-0-0)

Rep. Brennan of Colchester, for the Committee on Appropriations, recommends the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Transportation.

(Committee Vote: 11-0-1)

NOTICE CALENDAR
Favorable with Amendment
H. 469

An act relating to allowing remote witnesses and explainers for a Ulysses clause in an advance directive

Rep. Hyman of South Burlington, for the Committee on Human Services, recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 9701 is amended to read:

§ 9701. DEFINITIONS

As used in this chapter:

* * *

(35) “Digital signature” means an electronic identifier that is intended by the individual using it to have the same force and effect as a manual signature and that meets all of the following requirements:

(A) uses an algorithm approved by either the National Institute of Standards and Technology or by the Department of Health;

(B) is unique to the individual using it;

(C) is capable of verification;

(D) is under the sole control of the individual using it;

(E) is linked to data in a manner that invalidates the digital signature if the data is changed;

(F) persists with the document and not by association in separate files; and

(G) is bound to a digital certificate.

(36) “Remote witness” means a witness who is not physically present when a principal signs an advance directive.

Sec. 2. 18 V.S.A. § 9703 is amended

§ 9703. FORM AND EXECUTION

(a) An adult with capacity may execute an advance directive at any time.

(b)(1) The advance directive shall be dated, executed by the principal or by another individual in the principal’s presence at the principal’s express direction if the principal is physically unable to do so, and signed ~~in the presence of~~ by two or more witnesses at least 18 years of age, who shall sign and affirm that the principal appeared to understand the nature of the document and to be free from duress or undue influence at the time the advance directive was signed.

(2) On and after April 1, 2024, the principal shall have either signed in the physical presence of the witness or the following conditions shall have been met if the witness is a remote witness:

(A) the principal and the remote witness were known to each other;

(B) based on communication between the principal and the remote witness through a live, interactive, audio-video connection or by telephone, the remote witness attested that the principal seemed to understand the nature of the document and to be free from duress or undue influence at the time the advance directive was signed; and

(C) the principal included on the advance directive the name and contact information for the remote witness and the nature of the principal’s relationship to the remote witness.

(3) A health care provider may serve as a witness to the principal’s execution of the advance directive under this subsection.

(4) If the principal is being admitted to or is a resident of a nursing home or residential care facility or is being admitted to or is a patient in a hospital at the time of execution, the individual who explained the nature and effect of the advance directive to the principal pursuant to subsection (d) or (e) of this section may also serve as one of the witnesses to the principal’s execution of the advance directive under this subsection.

(c) Neither the agent appointed by the principal nor the principal's spouse, parent, adult sibling, adult child, or adult grandchild may witness the advance directive.

(d)(1) An advance directive shall not be effective if, at the time of execution, the principal is being admitted to or is a resident of a nursing home as defined in 33 V.S.A. § 7102 or a residential care facility, unless one of the following individuals explains the nature and effect of an advance directive to the principal and signs a statement affirming that ~~he or she~~ the individual has provided the explanation:

- (A) an ombudsman;
- (B) a recognized member of the clergy;
- (C) an attorney licensed to practice in this State;
- (D) a Probate Division of the Superior Court designee;
- (E) an individual designated by a hospital pursuant to subsection 9709(d) of this title;
- (F) a mental health patient representative;
- (G) an individual who is volunteering at the nursing home or residential care facility without compensation and has received appropriate training regarding the explanation of advance directives; or
- (H) a clinician, ~~as long as~~ provided the clinician is not employed by the nursing home or residential care facility at the time of the explanation.

(2) It is the intent of this subsection to ensure that residents of nursing homes and residential care facilities are willingly and voluntarily executing advance directives.

(3) The individual who explains the nature and effect of an advance directive to the principal under this subsection may be physically present in the same location as the principal at the time of the explanation or may deliver the explanation to the principal through a live, interactive, audio-video connection or by telephone.

(e)(1) An advance directive shall not be effective if, at the time of execution, the principal is being admitted to or is a patient in a hospital, unless one of the following individuals ~~has explained~~ explains the nature and effect of an advance directive to the principal and signs a statement affirming that ~~he or she~~ the individual has provided the explanation:

- ~~(A)~~(A) an ombudsman;

- ~~(2)~~(B) a recognized member of the clergy;
- ~~(3)~~(C) an attorney licensed to practice in this State;
- ~~(4)~~(D) a Probate Division of the Superior Court designee;
- ~~(5)~~(E) an individual designated by the hospital pursuant to subsection 9709(d) of this title; or
- ~~(6)~~(F) a mental health patient representative.

(2) The individual who explains the nature and effect of an advance directive to the principal under this subsection may be physically present in the same location as the principal at the time of the explanation or may deliver the explanation to the principal through a live, interactive, audio-video connection or by telephone.

(f) A durable power of attorney for health care, terminal care document, or advance directive executed prior to the enactment of this chapter shall be a valid advance directive if the document complies with the statutory requirements in effect at the time the document was executed or with the provisions of this chapter.

(g) A principal, a witness, or an individual who explains an advance directive under subsection (d) or (e) of this section may sign the advance directive or the explanation affirmation statement using a digital signature, provided that, for a remote witness, the conditions set forth in subdivision (b)(2) of this section shall be met.

Sec. 3. 18 V.S.A. § 9707(h) is amended to read:

(h)(1) An advance directive executed in accordance with section 9703 of this title may contain a provision permitting the agent, in the event that the principal lacks capacity, to authorize or withhold health care over the principal's objection. In order to be valid, the provision shall comply with the following requirements:

(A) An agent shall be named in the provision.

(B) The agent shall accept in writing the responsibility of authorizing or withholding health care over the principal's objection in the event the principal lacks capacity.

(C) A clinician for the principal shall sign the provision and affirm that the principal appeared to understand the benefits, risks, and alternatives to the health care being authorized or rejected by the principal in the provision.

(D)(i) An ombudsman, a mental health patient representative, attorney licensed to practice law in this State, or the Probate Division of the

Superior Court designee shall sign a statement affirming that ~~he or she~~ the individual has explained the nature and effect of the provision to the principal, and that the principal appeared to understand the explanation and be free from duress or undue influence.

(ii) If the principal is a patient in a hospital when the provision is executed, the ombudsman, mental health patient representative, attorney, or Probate Division of the Superior Court designee shall be independent of the hospital and not an interested individual.

(E) The provision shall specify the treatments to which it applies and shall include an explicit statement that the principal desires or does not desire the proposed treatments even over the principal's objection at the time treatment is being offered or withheld. The provision may include a statement expressly granting to the health care agent the authority to consent to the principal's voluntary hospitalization.

(F) The provision shall include an acknowledgment that the principal is knowingly and voluntarily waiving the right to refuse or receive treatment at a time of incapacity, and that the principal understands that a clinician will determine capacity.

(2) A provision executed in compliance with subdivision (1) of this subsection shall be effective when the principal's clinician and a second clinician have determined pursuant to subdivision 9706(a)(1) of this title that the principal lacks capacity.

(3) If an advance directive contains a provision executed in compliance with this section:

(A) The agent may, in the event the principal lacks capacity, make health care decisions over the principal's objection, provided that the decisions are made in compliance with subsection 9711(d) of this title.

(B) A clinician shall follow instructions of the agent authorizing or withholding health care over the principal's objection.

(4)(A) The first time a principal executes a provision under this subsection (h):

(i) the principal's clinician shall be physically present in the same location as the principal to assess the principal's understanding of the benefits, risks, and alternatives to the health care being authorized or rejected in the provision in accordance with subdivision (1)(C) of this subsection (h); and

(ii) the individual explaining the nature and effect of the provision in accordance with subdivision (1)(D) of this subsection (h) shall be physically present in the same location as the principal at the time of the explanation.

(B) If a principal later amends a provision executed under this subsection (h) by executing a new advance directive pursuant to section 9703 of this title that includes a provision permitting the agent to authorize or withhold health care over the principal's objection pursuant to this subsection (h), or the principal executes a new advance directive that maintains a provision previously executed under this subsection (h):

(i) the clinician may be physically present in the same location as the principal to assess the principal's understanding of the benefits, risks, and alternatives to the health care being authorized or rejected in the provision in accordance with subdivision (1)(C) of this subsection (h) or may assess the principal's understanding based on the clinician's interactions with the principal through a live, interactive, audio-video connection; and

(ii) the individual explaining the nature and effect of the provision in accordance with subdivision (1)(D) of this subsection (h) may be physically present in the same location as the principal at the time of the explanation or may deliver the explanation to the principal through a live, interactive, audio-video connection.

(C) The clinician and the individual providing the explanation do not need to be physically present at the same time as one another or otherwise coordinate the timing or performance of their respective duties under subdivisions (1)(C) and (D) of this subsection (h).

(5) The agent who is permitted to authorize or withhold health care over the principal's objection pursuant to this subsection does not need to be physically present for any portion of the principal's execution of that provision or of the advance directive.

(6) The principal, the agent, the clinician, and the individual who explained the provision under subdivision (1)(D) of this subsection (h), or any one or more of them, may sign the provision, acceptance, or explanation affirmation statement, as applicable, using a digital signature.

Sec. 4. 18 V.S.A. § 9721 is amended to read:

§ 9721. REMOTE WITNESSES AND EXPLAINERS FOR A LIMITED
TIME THROUGH MARCH 31, 2024

(a) As used in this section, "remote witness" means a witness who is not physically present when a principal signs an advance directive. [Repealed.]

(b)(1) Notwithstanding any provision of subsection 9703(b) of this title to the contrary, an advance directive executed by a principal between February 15, 2020 and June 15, 2020 shall be deemed to be valid even if the principal signed the advance directive outside the physical presence of one or both of the required witnesses, provided all of the following conditions were met with respect to each remote witness:

(A) the principal and the remote witness were known to each other;

(B) the remote witness was informed about the role of a witness to the execution of an advance directive; and

(C) the principal included on the advance directive the name and contact information for the witness.

(2) An advance directive executed as set forth in subdivision (1) of this subsection shall be valid until June 30, 2021 unless amended, revoked, or suspended by the principal in accordance with this chapter prior to that date.

(c)(1) Notwithstanding any provision of subsection 9703(b) of this title to the contrary, an advance directive executed by a principal between June 15, 2020 and March 31, 2024 shall be deemed to be valid even if the principal signed the advance directive outside the physical presence of one or both of the required witnesses, provided all of the following conditions are met with respect to each remote witness:

(A) the principal and the remote witness were known to each other;

(B) based on video or telephonic communication between the principal and the remote witness, the remote witness attested that the principal seemed to understand the nature of the document and to be free from duress or undue influence at the time the advance directive was signed; and

(C) the principal included on the advance directive the name and contact information for the remote witness and the nature of the principal's relationship to the remote witness.

(2) An advance directive executed as set forth in subdivision (1) of this subsection shall remain valid unless amended, revoked, or suspended by the principal in accordance with this chapter.

(d)(1) Notwithstanding any provision of subsection 9703(d) or (e) of this title to the contrary, an advance directive executed by a principal between February 15, 2020 and March 31, 2024 while the principal was being admitted to or was a resident of a nursing home or residential care facility or was being admitted to or was a patient in a hospital shall be deemed to be valid even if the individual who explained the nature and effect of the advance directive to

the principal in accordance with subsection 9703(d) or (e) of this title, as applicable, was not physically present in the same location as the principal at the time of the explanation, provided the individual delivering the explanation was communicating with the principal by video or telephone.

(2) An advance directive executed in accordance with this subsection shall remain valid as set forth in subsection (b) or (c) of this section, as applicable.

(e) On and after April 1, 2024, advance directives shall only be executed in accordance with section 9703 of this chapter.

Sec. 5. EFFECTIVE DATE

This act shall take effect on April 1, 2024.

and that after passage the title of the bill be amended to read: “An act relating to remote and electronic processes for executing an advance directive”

(Committee Vote: 11-0-0)

S. 100

An act relating to housing opportunities made for everyone

Rep. Stevens of Waterbury, for the Committee on General and Housing, recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Municipal Zoning * * *

Sec. 1. 24 V.S.A. § 4414 is amended to read:

§ 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

* * *

(4) Parking and loading facilities. A municipality may adopt provisions setting forth standards for permitted and required facilities for off-street parking and loading, which may vary by district and by uses within each district. For residential uses, a municipality shall not require more than one parking space per dwelling unit or accessory dwelling unit. However, a municipality may require 1.5 parking spaces per dwelling unit if the development is located more than one-quarter of a mile away from public parking or the need for parking cannot be reasonably met through the use of on-street parking, public parking, or shared parking. Municipalities may round up to the nearest whole parking space. These bylaws may also include provisions covering the location, size, design, access, landscaping, and

screening of those facilities. In determining the number of parking spaces for nonresidential uses and size of parking spaces required under these regulations, the appropriate municipal panel may take into account the existence or availability of employer “transit pass” and rideshare programs, public transit routes, and public parking spaces in the vicinity of the development. ~~However, a municipality shall not require an accessory dwelling unit to have more than one parking space per bedroom.~~

* * *

Sec. 2. 24 V.S.A. § 4412 is amended to read:

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

(1) Equal treatment of housing and required provisions for affordable housing.

* * *

(D) Bylaws shall designate appropriate districts and reasonable regulations for multiunit or multifamily dwellings. No bylaw shall have the effect of excluding these multiunit or multifamily dwellings from the municipality. In any district that allows year-round residential development, duplexes shall be an allowed use with the same dimensional standards as a single-unit dwelling. In any district that is served by municipal sewer and water infrastructure that allows residential development, multiunit dwellings with four or fewer units shall be an allowed use.

(E) Except for flood hazard and fluvial erosion area bylaws adopted pursuant to section 4424 of this title, no bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to a single-family dwelling on an owner-occupied lot. A bylaw ~~may~~ shall require a single-family dwelling with an accessory dwelling unit to be subject to the same review, dimensional, or other controls as required for a single-family dwelling without an accessory dwelling unit. The criteria for conversion of an existing detached nonresidential building to habitable space for an accessory dwelling unit shall not be more restrictive than the criteria used for a single-family dwelling without an accessory dwelling unit. An “accessory dwelling unit” means a distinct unit that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

(i) The property has sufficient wastewater capacity.

(ii) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater.

* * *

(H) No bylaw shall have the effect of prohibiting or penalizing a hotel from renting rooms to provide housing assistance through the State of Vermont's General Assistance program, or to any person whose room is rented with public funds. The term "hotel" has the same meaning as in 32 V.S.A. 9202(3).

* * *

(12) In any district served by municipal sewer and water infrastructure that allows residential development, bylaws shall establish lot and building dimensional standards that allow five or more dwelling units per acre for each allowed residential use, and density standards for multiunit dwellings shall not be more restrictive than those required for single-family dwellings.

(13) In any district served by municipal sewer and water infrastructure that allows residential development, any mixed-use developments and affordable housing developments, as defined in subdivision 4303(2) of this title, may exceed building height limitations by one additional habitable floor beyond the maximum height, and using that additional floor may exceed density limitations for residential developments by an additional 40 percent, provided that the structure complies with the Vermont Fire and Building Safety Code.

(14) No bylaw shall have the effect of limiting the square footage of a duplex that otherwise complies with the applicable building code.

(15)(A) As used in this section, an area "served by municipal water and sewer infrastructure" means:

(i) that residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and not prohibited by:

(I) State regulations or permits;

(II) identified capacity constraints; or

(III) municipally adopted service and capacity agreements; or

(ii) areas established by the municipality by ordinance or bylaw that:

(I) exclude flood hazard or inundation areas as established by statute, river corridors or fluvial erosion areas as established by statute, shorelands, and wherever year-round residential development is not allowed;

(II) reflect identified service limits established by State regulations or permits, identified capacity constraints, or municipally adopted service and capacity agreements;

(III) exclude areas served by water and sewer to address an identified community-scale public health hazard or environmental hazard;

(IV) exclude areas serving a mobile home park that is not within an area planned for year-round residential growth;

(V) exclude areas serving an industrial site or park;

(VI) exclude areas where service lines are located to serve the areas described in subdivisions (III)–(V) of this subdivision (ii), but no connections or expansions are permitted; or

(VII) modify the zoning provisions allowed under this chapter in areas served by indirect discharge designed for less than 100,000 gallons per day.

(B) Municipally adopted areas served by municipal water and sewer infrastructure that limit water and sewer connections and expansions shall not result in the unequal treatment of housing by discriminating against a year-round residential use or housing type otherwise allowed in this chapter.

Sec. 3. 24 V.S.A. § 4413 is amended to read:

§ 4413. LIMITATIONS ON MUNICIPAL BYLAWS

(a)(1) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

(A) State- or community-owned and ~~operated~~ operated institutions and facilities;

(B) public and private schools and other educational institutions certified by the Agency of Education;

(C) churches and other places of worship, convents, and parish houses;

(D) public and private hospitals;

(E) regional solid waste management facilities certified under 10 V.S.A. chapter 159;

(F) hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a; and

(G) emergency shelters.

(2) Except for State-owned and -operated institutions and facilities, a municipality may regulate each of the land uses listed in subdivision (1) of this subsection for compliance with the National Flood Insurance Program and for compliance with a municipal ordinance or bylaw regulating development in a flood hazard area or river corridor, consistent with the requirements of subdivision 2291(25) and section 4424 of this title. These regulations shall not have the effect of interfering with the intended functional use.

(3) For purposes of this subsection, regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended functional use.

* * *

Sec. 4. 24 V.S.A. § 4303 is amended to read:

§ 4303. DEFINITIONS

The following definitions shall apply throughout this chapter unless the context otherwise requires:

* * *

(38) “Accessory dwelling unit” has the same meaning as in subdivision 4412(E) of this title.

(39) “Duplex” means a residential building that has two dwelling units in the same building and neither unit is an accessory dwelling unit.

(40) “Emergency shelter” means any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements.

(41) “Multiunit or multifamily dwelling” means a building that contains three or more dwelling units in the same building.

Sec. 5. 24 V.S.A. § 4441 is amended to read:

§ 4441. PREPARATION OF BYLAWS AND REGULATORY TOOLS;

AMENDMENT OR REPEAL

* * *

(c) When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. ~~The Department of Housing and Community Development shall provide all municipalities with a form for this report.~~ The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title; and shall include findings regarding how the proposal:

(1) ~~Conforms~~ conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing; ~~and sections 4412, 4413, and 4414 of this title;~~

(2) ~~Is~~ is compatible with the proposed future land uses and densities of the municipal plan; ~~and~~

(3) ~~Carries~~ carries out, as applicable, any specific proposals for any planned community facilities.

* * *

(h) Upon adoption or amendment of a bylaw, the planning commission shall prepare an adoption report in form and content provided by the Department of Housing and Community Development that:

(1) demonstrates conformity with sections 4412, 4413, and 4414 of this title; and

(2) provides information on the municipal application of subchapters 7 (bylaws), 9 (administration), and 10 (panels) of this chapter for the Municipal Planning Data Center and the prospective development of a statewide zoning atlas.

Sec. 6. 24 V.S.A. § 4465 is amended to read:

§ 4465. APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER

(a) An interested person may appeal any decision or act taken by the administrative officer in any municipality by filing a notice of appeal with the secretary of the board of adjustment or development review board of that municipality or with the clerk of that municipality if no such secretary has been elected. This notice of appeal must be filed within 15 days ~~of~~ following the date of that decision or act, and a copy of the notice of appeal shall be filed with the administrative officer.

(b) ~~For the purposes of~~ As used in this chapter, an “interested person” means any one of the following:

(1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

(2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.

(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person’s interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

(4) Any ~~ten~~ 10 persons who allege a common injury to a particularized interest protected by this chapter, who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. For purposes of this subdivision, a particularized interest shall not include the character of the area affected. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

(5) Any department and administrative subdivision of this State owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the Agency of Commerce and Community Development of this State.

* * *

* * * Subdivisions * * *

Sec. 7. 24 V.S.A. § 4463 is amended to read:

§ 4463. SUBDIVISION REVIEW

(a) Approval of plats. Before ~~any~~ a plat for a subdivision is approved, a public hearing on the plat ~~shall~~ may be held by the appropriate municipal panel

after public notice. A bylaw may provide for when a public hearing is required. A copy of the notice shall be sent to the clerk of an adjacent municipality, in the case of a plat located within 500 feet of a municipal boundary, at least 15 days prior to the public hearing.

(b) Plat; record. The approval of the appropriate municipal panel or administrative officer, if the bylaws provide for their approval of subdivisions, shall expire 180 days from that approval or certification unless, within that 180-day period, that plat shall have been duly filed or recorded in the office of the clerk of the municipality. After an approved plat or certification by the clerk is filed, no expiration of that approval or certification shall be applicable.

(1) The bylaw may allow the administrative officer to extend the date for filing the plat by an additional 90 days, if final local or State permits or approvals are still pending.

(2) No plat showing a new street or highway may be filed or recorded in the office of the clerk of the municipality until it has been approved by the appropriate municipal panel, or administrative officer if allowed under the bylaws, pursuant to subsection (a) of this section, and that approval is endorsed in writing on the plat, or the certificate of the clerk of the municipality showing the failure of the appropriate municipal panel to take action within the 45-day period is attached to the plat and filed or recorded with the plat. After that filing or recording, the plat shall be a part of the official map of the municipality.

* * *

Sec. 8. 24 V.S.A. § 4418 is amended to read:

§ 4418. SUBDIVISION BYLAWS

* * *

(2) Subdivision bylaws may include:

(A) ~~Provisions~~ provisions allowing the appropriate municipal panel to waive or modify, subject to appropriate conditions, the provision of any or all improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety, and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision-;

(B) ~~Proceedures~~ procedures for conceptual, preliminary, partial, and other reviews preceding submission of a subdivision plat, including any administrative reviews-;

(C) ~~Specify~~ specific development standards to promote the conservation of energy or to permit the utilization of renewable energy resources, or both;

(D) State standards and criteria under 10 V.S.A. § 6086(a); and

(E) provisions to allow the administrative officer to approve subdivisions.

* * * Appeals * * *

Sec. 9. 24 V.S.A. § 4471 is amended to read:

§ 4471. APPEAL TO ENVIRONMENTAL DIVISION

* * *

~~(e) Neighborhood development area~~ Designated areas. Notwithstanding subsection (a) of this section, a determination by an appropriate municipal panel that a residential development will not result in an undue adverse effect on the character of the area affected shall not be subject to appeal if the ~~determination is that a proposed residential development seeking conditional use approval under subdivision 4414(3) of this title is within a designated downtown development district, designated growth center, designated Vermont neighborhood, or designated neighborhood development area seeking conditional use approval will not result in an undue adverse effect on the character of the area affected under subdivision 4414(3) of this title.~~ Other elements of the determination made by the appropriate municipal panel may be appealed.

* * * By Right * * *

Sec. 10. 24 V.S.A. § 4464(b) is amended to read:

(b) Decisions.

* * *

(7)(A) A decision rendered by the appropriate municipal panel for a housing development or the housing portion of a mixed-use development shall not:

(i) require a larger lot size than the minimum as determined in the municipal bylaws;

(ii) require more parking spaces than the minimum as determined in the municipal bylaws and in section 4414 of this title;

(iii) limit the building size to less than that allowed in the municipal bylaws, including reducing the building footprint or height;

(iv) limit the density of dwelling units to below that allowed in the municipal bylaws; and

(v) otherwise disallow a development to abide by the minimum or maximum applicable municipal standards;

(B) However, a decision may require adjustments to the applicable municipal standards listed in subdivision (A) of this subdivision (7) if the panel or officer issues a written finding stating:

(i) why the modification is necessary to comply with a prerequisite State or federal permit, municipal permit, or a nondiscretionary standard in a bylaw or ordinance, including requirements related to wetlands, setbacks, and flood hazard areas and river corridors; and

(ii) how the identified restrictions do not result in an unequal treatment of housing or an unreasonable exclusion of housing development otherwise allowed by the bylaws.

Sec. 11. 24 V.S.A. § 4348a is amended to read:

§ 4348a. ELEMENTS OF A REGIONAL PLAN

(a) A regional plan shall be consistent with the goals established in section 4302 of this title and shall include the following:

* * *

(9) A housing element that identifies the regional and community-level need for housing for all economic groups in the region and communities. In establishing the identified need, due consideration shall be given to that will result in an adequate supply of building code and energy code compliant homes where most households spend not more than 30 percent of their income on housing and no more than 15 percent on transportation. To establish housing needs, the Department of Housing and Community Development shall publish statewide and regional housing targets or ranges as part of the Statewide Housing Needs Assessment. The regional planning commission shall consult the Statewide Housing Needs Assessment; current and expected demographic data; the current location, quality, types and cost of housing; other local studies related to housing needs; and data gathered pursuant to subsection 4382(c) of this title. If no such data has been gathered, the regional planning commission shall gather it. The regional planning commission's assessment shall estimate the total needed housing investments in terms of price, quality, unit size or type, and zoning district as applicable and shall disaggregate regional housing targets or ranges by municipality. The housing element shall include a set of recommended actions to satisfy the established needs.

* * *

Sec. 12. 24 V.S.A. § 4382 is amended to read:

§ 4382. THE PLAN FOR A MUNICIPALITY

(a) A plan for a municipality ~~may~~ shall be consistent with the goals established in section 4302 of this title and compatible with approved plans of other municipalities in the region and with the regional plan and shall include the following:

* * *

(10) A housing element that shall include a recommended program for ~~addressing low and moderate income persons'~~ public and private actions to address housing needs as identified by the regional planning commission pursuant to subdivision 4348a(a)(9) of this title. The program should include specific actions to address the housing needs of persons with low income and persons with moderate income and account for permitted accessory dwelling units, as defined in subdivision 4412(1)(E) of this title, ~~which provide affordable housing as well as any material impact of short-term rental units.~~

* * *

* * * Energy Codes * * *

Sec. 13. 24 V.S.A. § 3101(a) is amended to read:

(a) The mayor and board of aldermen of a city, the selectboard of a town, or the trustees of an incorporated village, may, in accordance with this chapter, establish codes and regulations for the construction, maintenance, repair, and alteration of buildings and other structures within the municipality. Such codes and regulations may include provisions relating to building materials, structural design, passageways, stairways and exits, heating systems, fire protection procedures, and such other matters as may be reasonably necessary for the health, safety, and welfare of the public, but excluding electrical installations subject to regulation under 26 V.S.A. chapter 15. Any energy codes and regulations adopted after July 1, 2023 shall not be more restrictive than the Residential Building Energy Standards or the stretch code adopted under 30 V.S.A. § 51 or the Commercial Building Energy Standards adopted under 30 V.S.A. § 53, except where enabled by a municipal charter.

Sec. 14. [Deleted.]

Sec. 15. [Deleted.]

Sec. 16. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

* * *

(3)(A) “Development” means each of the following:

* * *

(iv) The construction of housing projects such as cooperatives, condominiums, or dwellings, or construction ~~or maintenance~~ of mobile homes or mobile home parks, with 10 or more units, constructed or maintained on a tract or tracts of land, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years. However:

* * *

(xi) Until July 1, 2026, the construction of housing projects such as cooperatives, condominiums, dwellings, or mobile homes, with 25 or more units, constructed or maintained on a tract or tracts of land, located entirely within a designated downtown development district, a designated neighborhood development area, or a designated growth center, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years.

* * *

(D) The word “development” does not include:

* * *

(viii)(I) The construction of a priority housing project in a municipality with a population of 10,000 or more.

(II) If the construction of a priority housing project in this subdivision (3)(D)(viii) involves demolition of one or more buildings that are listed or eligible to be listed on the State or National Register of Historic Places, this exemption shall not apply unless the Division for Historic Preservation has made the determination described in subdivision (A)(iv)(I)(ff) of this subdivision (3) and any imposed conditions are enforceable in the manner set forth in that subdivision.

(III) Notwithstanding any other provision of law to the contrary, until July 1, 2026, the construction of a priority housing project located entirely within a designated downtown development district, designated neighborhood development area, or a designated growth center.

* * *

Sec. 16a. 10 V.S.A. § 6086b is amended to read:

§ 6086b. DOWNTOWN DEVELOPMENT; FINDINGS; MASTER PLAN

PERMITS

(a) Findings and conclusions. Notwithstanding any provision of this chapter to the contrary, each of the following shall apply to a development or subdivision that is completely within a downtown development district designated under 24 V.S.A. chapter 76A and for which a permit or permit amendment would otherwise be required under this chapter:

(1) In lieu of obtaining a permit or permit amendment, a person may request findings and conclusions from the District Commission, which shall approve the request if it finds that the development or subdivision will meet subdivisions 6086(a)(1) (air and water pollution), (2) (sufficient water available), (3) (burden on existing water supply), (4) (soil erosion), (5) (traffic), (8) (aesthetics, historic sites, rare and irreplaceable natural areas), (8)(A) (endangered species; necessary wildlife habitat), (9)(B) (primary agricultural soils), (9)(C) (productive forest soils), (9)(F) (energy conservation), and (9)(K) (public facilities, services, and lands) of this title.

* * *

(b) Master plan permits.

(1) Any municipality within which a downtown development district or neighborhood development area has been formally designated pursuant to 24 V.S.A. chapter 76A may apply to the District Commission for a master plan permit for that area or any portion of that area pursuant to the rules of the Board. Municipalities making an application under this subdivision are not required to exercise ownership of or control over the affected property.

(2) Subsequent development of an individual lot within the area of the master plan permit that requires a permit under this chapter shall take the form of a permit amendment.

(3) In neighborhood development areas, subsequent master plan permit amendments may only be issued for development that is housing.

(4) In approving a master plan permit and amendments, the District Commission may include specific conditions that an applicant for an individual project permit will be required to meet.

(5) For a master plan permit issued pursuant to this section, an application for an amendment may use the findings issued in the master plan permit as a rebuttable presumption to comply within any applicable criteria under subsection 6086(a) of this title.

Sec. 16b. ACT 250 EXEMPTION REQUIREMENTS

In order to qualify for the exemptions established in 10 V.S.A. § 6001 (3)(A)(xi) and (3)(D)(viii)(III) and 10 V.S.A. § 6081(y), a person shall apply for a jurisdictional opinion under 10 V.S.A. § 6007 by July 1, 2026. The jurisdictional opinion shall require the project to substantially complete construction by June 30, 2029 in order to remain exempt.

* * * Enhanced Village Centers * * *

Sec. 17. 24 V.S.A. § 2793a is amended to read:

§ 2793a. DESIGNATION OF VILLAGE CENTERS BY STATE BOARD

* * *

(e)(1) A village center designated by the State Board pursuant to subsection (a) of this section is eligible to apply to the State Board to receive an enhanced designation. This enhanced designation allows a priority housing project with 50 or fewer units located entirely within the village center to be exempt from 10 V.S.A. chapter 151.

(2) To receive enhanced designation under this subsection, a village center shall have:

(A) duly adopted permanent zoning and subdivision bylaws;

(B) at least one of the following: municipal sewer infrastructure, a community or alternative wastewater system approved by the Agency of Natural Resources, or a public community water system; and

(C) adequate municipal staff to support coordinated comprehensive and capital planning, development review, and zoning administration.

Sec. 17a. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

* * *

(y) Notwithstanding any other provision of law to the contrary, until July 1, 2026, no permit or permit amendment is required for a priority housing project with 50 or fewer units that is located entirely within a village center that has received enhanced designation under 24 V.S.A. § 2793a(e).

Sec. 17b. 24 V.S.A. § 2793e is amended to read:

§ 2793e. NEIGHBORHOOD PLANNING AREAS; DESIGNATION OF
NEIGHBORHOOD DEVELOPMENT AREAS

* * *

(c) Application for designation of a neighborhood development area. The State Board shall approve a neighborhood development area if the application demonstrates and includes all of the following elements:

* * *

(6) The neighborhood development area is served by at least one of the following:

(A) municipal sewer infrastructure;

(B) a community or alternative wastewater system approved by the Agency of Natural Resources; or

(C) a public community water system.

* * *

Sec. 17c. 2022 Acts and Resolves No. 182, Sec. 41 is amended to read:

Sec. 41. REPORT; NATURAL RESOURCES BOARD

(a) On or before December 31, 2023, the Chair of the Natural Resources Board shall report to the House Committees on Natural Resources, Fish, and Wildlife and on Ways and Means and the Senate Committees on Finance and on Natural Resources and Energy on necessary updates to the Act 250 program.

(b) The report shall include:

(1) How to transition to a system in which Act 250 jurisdiction is based on location, which shall encourage development in designated areas, the maintenance of intact rural working lands, and the protection of natural resources of statewide significance, including biodiversity. Location-based jurisdiction would adjust the threshold for Act 250 jurisdiction based on the characteristics of the location. This section of the report shall consider whether to develop thresholds and tiers of jurisdiction as recommended in the Commission on Act 250: the Next 50 Years Report.

(2) How to use the Capability and Development Plan to meet the statewide planning goals.

(3) An assessment of the current level of staffing of the Board and District Commissions, including whether there should be a district coordinator located in every district.

(4) Whether the permit fees are sufficient to cover the costs of the program and, if not, a recommendation for a source of revenue to supplement the fees.

(5) Whether the permit fees are effective in providing appropriate incentives.

(6) Whether the Board should be able to assess its costs on applicants.

(7) Whether increasing jurisdictional thresholds for housing development to 25 units under 10 V.S.A. § 6001(3)(A)(iv) would affect housing affordability, especially for primary homeownership, and what the potential impact of increasing those thresholds to 25 units would have on natural and community resources addressed under existing Act 250 criteria.

* * * Enhanced Designation * * *

Sec. 18. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

* * *

(z) No permit or permit amendment is required for any subdivision or development located in an enhanced designation area. If the enhanced designation is terminated, a development or subdivision within the designated center must receive a permit, if applicable.

Sec. 19. 24 V.S.A. § 2793f is added to read:

§ 2793f. ENHANCED DESIGNATION

(a) Application and approval. A municipality, by resolution of its legislative body, may apply to the Natural Resources Board for an enhanced designation for any designated area. The Natural Resources Board shall issue an affirmative determination on finding that the municipality meets the requirements of subsection (c) of this section.

(b) Enhanced designation requirements. To obtain an enhanced designation under this section, a municipality must demonstrate that it has each of the following:

(1) an approved designated area;

(2) municipal bylaws that are identical or are determined to be consistent with the model bylaws written by the Natural Resources Board pursuant to subsection (f) of this section;

(3) municipal bylaws that do not include broad exemptions excluding significant private or public land development from requiring a municipal land use permit; and

(4) adequate municipal staff to support coordinated comprehensive and capital planning, development review, and zoning administration.

(c) Process for issuing enhanced designation.

(1) A preapplication meeting shall be held with Department staff to review the program requirements. The meeting shall be held in the municipality unless another location is agreed to by the municipality.

(2) An application by the municipality shall include the information and analysis required by the Department's guidelines established pursuant to section 2792 of this title on how to meet the requirements of subsection (b) of this section.

(3) The Department shall establish a procedure for submission of a draft application that involves review and comment by all the parties to be noticed in subdivision (4)(A) of this subsection and shall issue a preapplication memo incorporating the comments to the applicant after receipt of a draft preliminary application.

(4) After receipt of a complete final application, the Natural Resources Board shall convene a public hearing in the municipality to consider whether to issue a determination of enhanced designation under this section.

(A) Notice.

(i) At least 35 days in advance of the Natural Resources Board's meeting, the Department shall provide notice to the municipality and post it on the Agency's website.

(ii) The municipality shall publish notice of the meeting at least 30 days in advance of the Natural Resources Board's meeting in a newspaper of general circulation in the municipality, and deliver physically or electronically, with proof of receipt or by certified mail, return receipt requested to the Agency of Natural Resources; the State Downtown Board; the Division for Historic Preservation; the Agency of Agriculture, Food and Markets; the Agency of Transportation; the regional planning commission; the regional development corporations; and the entities providing educational, police, and fire services to the municipality.

(iii) The notice shall also be posted by the municipality in or near the municipal clerk's office and in at least two other designated public places in the municipality and on the websites of the municipality and the Agency of Commerce and Community Development.

(iv) The municipality shall also certify in writing that the notice required by subdivision (4)(A) of this subsection (c) has been published, delivered, and posted within the specified time.

(B) No defect in the form or substance of any requirements of this subsection (c) shall invalidate the action of the Natural Resources Board where reasonable efforts are made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Superior Court or by the Natural Resources Board itself, the Department shall provide and the municipality shall issue new posting and notice, and the Board shall hold a new hearing and take a new action.

(5) The Natural Resources Board may recess the proceedings on any application pending submission of additional information. The Board shall close the proceedings promptly after all parties have submitted the requested information.

(6) The Board shall issue its determination in writing. The determination shall include explicit findings on each of the requirements in subsection (b) of this section.

(d) Review of enhanced designation status.

(1) Initial determination of an enhanced designation may be made at any time. Thereafter, review of the enhanced designation shall be concurrent with the next periodic review of the underlying designated area.

(2) The Natural Resources Board, on its motion, may review compliance with the enhanced designation requirements at more frequent intervals.

(3) If at any time the Board determines that the enhanced designation area no longer meets the standards for the designation, it shall take one of the following actions:

(A) require corrective action within a reasonable time frame; or

(B) terminate the enhanced designation.

(4) If the underlying designation is terminated, the enhanced designation also shall terminate.

(e) Appeal.

(1) An interested person may appeal any act or decision of the Board under this section to the Environmental Division of the Superior Court within 30 days following the act or decision.

(2) As used in this section, an “interested person” means any one of the following:

(A) a person owning a title to or occupying property within or abutting the designated area;

(B) the municipality making the application or a municipality that adjoins the municipality making the application; and

(C) the regional planning commission for the region that includes the designated area or a regional planning commission whose region adjoins the municipality in which the designated center is located.

(f) Model bylaws. The Natural Resources Board shall publish model bylaws that may be adopted by a municipality seeking an enhanced designation. These bylaws shall address all Act 250 criteria provided for in 10 V.S.A. § 6086(a)(1)–(10).

Sec. 20. 10 V.S.A. § 6001(45) is added to read:

(45) “Enhanced designation” means the process by which a designated area demonstrates that it has satisfied the requirements of 24 V.S.A. § 2793f. The term shall also refer to the resulting status.

Sec. 21. ENHANCED DESIGNATION BYLAW ADOPTION

On or before January 1, 2024, the Natural Resources Board shall publish model bylaws that a municipality may adopt in order to achieve an enhanced designation. These bylaws shall encompass all of the Act 250 criteria found in 10 V.S.A. § 6086(a)(1)–(10).

* * * Covenants * * *

Sec. 22. 27 V.S.A. § 545 is amended to read:

§ 545. COVENANTS, CONDITIONS, AND RESTRICTIONS OF
SUBSTANTIAL PUBLIC INTEREST

(a) Deed restrictions, covenants, or similar binding agreements added after March 1, 2021 that prohibit or have the effect of prohibiting land development allowed under 24 V.S.A. § 4412(1)(E) and (2)(A) shall not be valid.

(b) Deed restrictions or covenants added after July 1, 2023 shall not be valid if they require a minimum dwelling unit size on the property or more than one parking space per dwelling unit.

(c) This section shall not affect the enforceability of any property interest held in whole or in part by a qualified organization or State agency as defined in 10 V.S.A. § 6301a, including any restrictive easements, such as conservation easements and historic preservation rights and interests defined in 10 V.S.A. § 822. This section shall not affect the enforceability of any property interest

that is restricted by a housing subsidy covenant as defined by section 610 of this title and held in whole or in part by an eligible applicant as defined in 10 V.S.A. § 303(4) or the Vermont Housing Finance Agency.

* * * Road Disclosure * * *

Sec. 23. 27 V.S.A. § 617 is added to read:

§ 617. DISCLOSURE OF CLASS 4 ROAD

(a) Disclosure of maintenance on class 4 highway. Any property owner who sells property located on a class 4 highway or legal trail shall disclose to the buyer that the municipality is not required to maintain the highway or trail as described in 19 V.S.A. § 310.

(b) Marketability of title. Noncompliance with the requirements of this section shall not affect the marketability of title of a property.

* * * Building Energy Code Study Committee * * *

Sec. 24. FINDINGS

The General Assembly finds that:

(1) Vermont established the Residential Building Energy Standards (RBES) in 1997 and the Commercial Building Energy Standards (CBES) in 2007. The Public Service Department is responsible for adopting and updating these codes regularly but does not have the capacity to administer or enforce them.

(2) The RBES and CBES are mandatory, but while municipalities with building departments handle some aspects of review and inspection, there is no State agency or office designated to interpret, administer, and enforce them.

(3) The Division of Fire Safety in the Department of Public Safety is responsible for development, administration, and enforcement of building codes but does not currently have expertise or capacity to add administration or enforcement of energy codes in buildings.

(4) Studies in recent years show compliance with the RBES at about 54 percent and CBES at about 87 percent, with both rates declining. Both codes are scheduled to become more stringent with the goal of “net-zero ready” by 2030.

(5) In December 2022, the U.S. Department of Energy issued the Bipartisan Infrastructure Law: Resilient and Efficient Codes Implementation Funding Opportunity Announcement. The first \$45 million of a five-year \$225 million program is available in 2023. Vermont’s increased code compliance plans should include contingencies for this potential funding.

Sec. 25. ENERGY CODE COMPLIANCE; STUDY COMMITTEE

(a) Creation. There is created the Building Energy Code Study Committee to recommend strategies for increasing compliance with the Residential Building Energy Standards (RBES) and Commercial Building Energy Standards (CBES).

(b) Membership. The Committee shall have 15 members with applicable expertise, to include program design and implementation, building code administration and enforcement, and Vermont's construction industry. The Speaker of the House shall appoint three members, including up to one legislator. The Committee on Committees shall appoint two members, including up to one legislator. The remaining members shall be the following:

(1) the Commissioner of Public Service, or designee;

(2) the Director of Fire Safety, or designee;

(3) a representative of Efficiency Vermont;

(4) a representative of American Institute of Architects–Vermont;

(5) a representative of the Vermont Builders and Remodelers Association;

(6) a representative of the Burlington Electric Department;

(7) a representative of Vermont Gas Systems;

(8) a representative of the Association of General Contractors of Vermont;

(9) a representative of the Vermont League of Cities and Towns; and

(10) a representative from a regional planning commission.

(c) Powers and duties. The Committee shall consider and recommend strategies to increase awareness of and compliance with the RBES and CBES, including the potential designation of the Division of Fire Safety (DFS) in the Department of Public Safety as the statewide authority having jurisdiction for administration, interpretation, and enforcement, in conjunction with DFS' existing jurisdiction, over building codes.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Department of Public Service. The Department shall hire a third-party consultant to assist and staff the Committee which may be funded by monies appropriated by the General Assembly or any grant funding received.

(e) Report. On or before December 1, 2023, the Committee shall submit a written report to the General Assembly with its findings and recommendations for legislative action.

(f) Meetings.

(1) The Department of Public Service shall call the first meeting of the Committee to occur on or before July 15, 2023.

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

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

(4) The final meeting shall be held on or before October 31, 2023. The Committee shall cease to exist on December 1, 2023.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the 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 six meetings.

(2) Other members of the Committee 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 six meetings.

(3) The payments under this subsection (g) shall be made from monies appropriated by the General Assembly or any grant funding received.

* * * ADU Jurisdiction * * *

Sec. 26. 20 V.S.A. § 2730 is amended to read:

§ 2730. DEFINITIONS

(a) As used in this subchapter, "public building" means:

(1)(A) a building owned or occupied by a public utility, hospital, school, house of worship, convalescent center or home for elders or persons who have an infirmity or a disability, nursery, kindergarten, or child care;

* * *

(D) a building in which people rent accommodations, whether overnight or for a longer term;

* * *

(b) The term “public building” does not include:

(1) An owner-occupied ~~single-family~~ single-family residence, unless used for a purpose described in subsection (a) of this section.

* * *

(4) ~~A single-family~~ An owner-occupied single-family residence with an accessory dwelling unit as permitted under 24 V.S.A. § 4412(1)(E), unless rented overnight or for a longer term as described in subdivision (1)(D) of subsection (a) of this section.

* * *

* * * Enforcement * * *

Sec. 27. HUMAN RIGHTS COMMISSION; POSITION; APPROPRIATION

(a) One new full-time, exempt litigator position is created in the Human Rights Commission to prosecute violations of Vermont’s antidiscrimination laws, including the fair housing laws.

(b) In fiscal year 2024, \$150,000.00 is appropriated from the General Fund to the Human Rights Commission for personal services related to the new litigator position.

Sec. 28. 9 V.S.A. § 4507 is amended to read:

§ 4507. CRIMINAL PENALTY

A person who violates a provision of this chapter shall be fined not more than ~~\$1,000.00~~ \$10,000.00 per violation.

* * * Building Safety * * *

Sec. 29. VERMONT FIRE AND BUILDING SAFETY CODE; POTENTIAL REVISIONS; REPORT

(a) On or before January 15, 2024, the Executive Director of the Division of Fire Safety shall submit a written report to the General Assembly that identifies and examines provisions from other jurisdictions’ fire and life safety codes for residential buildings that:

(1) would facilitate in Vermont:

(A) the increased construction of new residential units;

(B) the conversion of existing space into new residential units; or

(C) both; and

(2) could be incorporated into the Vermont Fire and Building Safety Code.

(b) The report shall include recommendations for any legislative action necessary to enable the identified provisions to be incorporated into Vermont's Fire and Building Safety Code.

* * Eviction Rescue Fund * * *

Sec. 30. HOUSING RISK MITIGATION; EVICTION RESCUE FUND

In fiscal year 2024, the amount of \$2,500,000.00 is appropriated from the General Fund to the Agency of Human Services to provide eviction rescue funding and programming for the benefit of tenants and landlords, including for rental arrears to prevent eviction for nonpayment of rent if such funding will preserve a tenancy.

* * * HomeShare * * *

Sec. 31. HOMESHARING OPPORTUNITIES; APPROPRIATION

In fiscal year 2024, the amount of \$200,000.00 is appropriated from the General Fund to the Department of Housing and Community Development funding to expand home-sharing opportunities throughout the State.

* * * Mobile Homes and Mobile Home Parks * * *

Sec. 32. MOBILE HOMES; MOBILE HOME PARKS; APPROPRIATION

(a) Creation. There is created the Mobile Home Task Force.

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

(1) one current member of the House of Representatives, appointed by the Speaker of the House;

(2) one current member of the Senate, appointed by the Committee on Committees;

(3) one member, appointed by the Department of Housing and Community Development;

(4) one member, appointed by the Champlain Valley Office of Economic Opportunity;

(5) one member, appointed by The Housing Foundation Inc.;

(6) one member, appointed by the Speaker of the House, representing mobile home cooperative owners; and

(7) one member, appointed by the Vermont Housing and Conservation Board.

(c) Powers and duties. The Task Force shall study the current landscape for mobile homes and mobile home parks in this State, including the following issues:

(1) the status of mobile homes and mobile home parks within Vermont's housing portfolio;

(2) the condition and needs for mobile home park infrastructure among parks of various sizes;

(3) the current statutory treatment of mobile homes either as personal or real property;

(4) modern construction, energy efficiency, and durability of manufactured housing, and the availability, affordability, and suitability of alternative types of manufactured, modular, or other housing;

(5) the type and scope of data and information collected concerning mobile home residents, mobile homes, and mobile home parks and opportunities to make the data and information more centralized, accessible, and useful for informing policy decisions; and

(6) conversion to cooperative ownership and technical assistance available to prospective and new cooperative owners, including the availability of guidance concerning governance structures, operation, and conflict resolution.

(d) Assistance. For purposes of scheduling meetings and preparing a report and recommendations, the Task Force shall have the assistance of the Office of Legislative Operations, the Office of Legislative Counsel, and the Joint Fiscal Office.

(e) Report. On or before January 15, 2024, the Task Force shall submit a written report to the House Committee on General and Housing and the Senate Committee on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The House of Representatives' member 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.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force 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.

(3) Payments to members of the Task Force authorized under this subsection shall be made from monies appropriated to the General Assembly.

(h) In fiscal year 2024, the amount of \$500,000.00 is appropriated from the General Fund to the Department of Housing and Community Development to provide financial support for home repair, home improvement, housing transition, park infrastructure, legal assistance, and technical assistance.

* * * Vermont Housing Finance Agency * * *

Sec. 33. 2022 Acts and Resolves No. 182, Sec. 2 is amended to read:

Sec. 2. FIRST-GENERATION HOMEBUYER; IMPLEMENTATION;

APPROPRIATION

(a) Guidelines. The Vermont Housing Finance Agency shall adopt guidelines and procedures for the provision of grants to first-generation homebuyers pursuant to 32 V.S.A. § 5930u(b)(3)(D) consistent with the criteria of the Down Payment Assistance Program implemented pursuant to 32 V.S.A. § 5930u(b)(3) and with this section.

(b) As used in this section and 32 V.S.A. § 5930u(b)(3)(D), a “first-generation homebuyer” means ~~an applicant~~ a homebuyer who self-attests that the ~~applicant~~ homebuyer is an individual:

(1)~~(A)~~ whose parents or legal guardians:

~~(A) do not have and during the homebuyer’s lifetime have not had any present residential ownership interest in any State state; and or~~

~~(B) whose spouse, or domestic partner, and each member of whose household has not, during the three-year period ending upon acquisition of the eligible home to be acquired, had any present ownership interest in a principal residence in any State lost ownership of a home due to foreclosure, short sale, or deed-in-lieu of foreclosure and have not owned a home since that loss; or~~

(2) ~~is an individual~~ who has at any time been placed in foster care.

* * *

Sec. 34. FIRST GENERATION HOMEBUYER; APPROPRIATION

In fiscal year 2024, the amount of \$2,000,000.00 is appropriated from the General Fund to the Vermont Housing Finance Agency for grants through the First Generation Homebuyer Program.

* * * Middle-Income Homeownership
Development Program * * *

Sec. 35. REPEAL

2022 Acts and Resolves No. 182, Sec. 11 is repealed.

Sec. 36. 10 V.S.A. § 629 is added to read:

§ 629. MIDDLE-INCOME HOMEOWNERSHIP DEVELOPMENT
PROGRAM

(a) The Vermont Housing Finance Agency shall establish a Middle-Income Homeownership Development Program pursuant to this section.

(b) As used in this section:

(1) “Affordable owner-occupied housing” means owner-occupied housing identified in 26 U.S.C. § 143(c)(1) or that qualifies under Vermont Housing Finance Agency criteria governing owner-occupied housing.

(2) “Income-eligible homebuyer” means a Vermont household with annual income that does not exceed 150 percent of area median income.

(c) The Agency shall use the funds appropriated in this section to provide subsidies for new construction or acquisition and substantial rehabilitation of affordable owner-occupied housing for purchase by income-eligible homebuyers.

(d) The total amount of subsidies for a project shall not exceed 35 percent of eligible development costs, as determined by the Agency, which the Agency may allocate consistent with the following:

(1) Developer subsidy. The Agency may provide a direct subsidy to the developer, which shall not exceed the difference between the cost of development and the market value of the home as completed.

(2) Affordability subsidy. Of any remaining amounts available for the project after the developer subsidy, the Agency may provide a subsidy for the benefit of the homebuyer to reduce the cost of purchasing the home, provided that:

(A) the Agency includes conditions in the subsidy, or uses another legal mechanism, to ensure that, to the extent the home value has risen, the amount of the subsidy remains with the home to offset the cost to future homebuyers; or

(B) the subsidy is subject to a housing subsidy covenant, as defined in 27 V.S.A. § 610, that preserves the affordability of the home for a period of 99 years or longer.

(3) The Agency shall allocate not less than 33 percent of the funds available through the Program to projects that include a housing subsidy covenant consistent with subdivision (2)(B) of this subsection.

(e) The Agency shall adopt a Program plan that establishes application and selection criteria, including:

(1) project location;

(2) geographic distribution;

(3) leveraging of other programs;

(4) housing market needs;

(5) project characteristics, including whether the project includes the use of existing housing as part of a community revitalization plan;

(6) construction standards, including considerations for size;

(7) priority for plans with deeper affordability and longer duration of affordability requirements;

(8) sponsor characteristics;

(9) energy efficiency of the development; and

(10) the historic nature of the project.

(f)(1) When implementing the Program, the Agency shall consult stakeholders and experts in the field.

(2) The Program shall include:

(A) a streamlined and appropriately scaled application process;

(B) an outreach and education plan, including specific tactics to reach and support eligible applicants, especially those from underserved regions or sectors;

(C) an equitable system for distributing investments statewide on the basis of need according to a system of priorities that includes consideration of:

(i) geographic distribution;
(ii) community size;
(iii) community economic need; and
(iv) whether an application has already received an investment or is from an applicant in a community that has already received Program funding.

(3) The Agency shall use its best efforts to ensure:

(A) that investments awarded are targeted to the geographic communities or regions with the most pressing economic and employment needs; and

(B) that the allocation of investments provides equitable access to the benefits to all eligible geographical areas.

(g) The Agency may assign its rights under any investment or subsidy made under this section to the Vermont Housing and Conservation Board or any State agency or nonprofit organization qualifying under 26 U.S.C. § 501(c)(3), provided such assignee acknowledges and agrees to comply with the provisions of this section.

(h) The Department shall report to the House Committee on General and Housing and the Senate Committee on Economic Development, Housing and General Affairs on the status of the Program annually, on or before January 15.

Sec. 37. MIDDLE-INCOME HOMEOWNERSHIP; APPROPRIATION

In fiscal year 2024, the amount of \$20,000,000.00 is appropriated from the General Fund to the Vermont Housing Finance Agency for the Middle-Income Homeownership Development Program.

* * * Rental Housing Revolving Loan Program * * *

Sec. 38. 10 V.S.A. § 629a is added to read:

§ 629a. RENTAL HOUSING REVOLVING LOAN PROGRAM

(a) Creation; administration. The Vermont Housing Finance Agency shall design and implement a Rental Housing Revolving Loan Program and shall create and administer a revolving loan fund to provide subsidized loans for rental housing developments that serve middle-income households.

(b) Loans; eligibility; criteria.

(1) The Agency shall adopt processes, procedures, and guidelines to implement the Program consistent with this section, including a simple

application process that is accessible to small developers, builders, and contractors.

(2)(A) To be eligible for a subsidized loan through the Program, a project shall create two or more new rental housing units, which may include market rate and affordable units, provided that at least 25 percent of the units in the project are affordable to a household earning between 65 and 150 percent of the applicable area median income.

(B) Projects may include new construction, acquisition with substantial rehabilitation, and preservation of naturally occurring affordable housing.

(3) A loan is available only for the costs of the project allocable to the affordable units.

(4)(A) The Agency shall calculate the maximum amount of a loan, which shall not exceed the lesser of:

(i) 35 percent of the costs of the project allocable to the affordable units; or

(ii) the following amounts based on area median income bands:

(I) \$150,000.00 per unit for each unit that is affordable to a household earning from 65 percent to 80 percent of area median income; and

(II) \$100,000.00 per unit for each unit that is affordable to a household earning not from 81 to 150 percent of area median income.

(B) The Agency shall adopt and implement a method to adjust the values specified in this subdivision (b)(4)(A)(ii) of this section at least annually for inflation and may adopt a smoothing mechanism to adjust the maximum loan values within each band based on levels of affordability.

(5) The Agency shall determine the term and interest rate of a loan. The Agency may adopt one or more mechanisms to provide an enhanced subsidy to incentivize projects, including:

(A) a lower interest rate;

(B) an interest-only option with deferred principal repayment; and

(C) partial loan forgiveness.

(6) The Agency shall adopt a Program plan that allows for an enhanced subsidy for a project that meets one or more of the following:

(A) The project receives five percent or more of the total funding from an employer or employer-capitalized loan or grant.

(B) The project receives five percent or more of the total funding from a municipal or regional housing fund, local fiscal recovery fund, or other form of community investment.

(C) The project utilizes tax-exempt bond funding or federal low-income housing tax credits for at least 20 percent of the project's total units.

(D) The project is small in scale and provides infill development within a historic settlement pattern.

(7) The Agency shall use one or more legal mechanisms to ensure that:

(A) a subsidized unit remains affordable to a household earning the applicable percent of area median income for the longer of:

(i) seven years; or

(ii) full repayment of the loan plus three years; and

(B) during the affordability period determined pursuant to subdivision (A) of this subdivision (7), the annual increase in rent for a subsidized unit does not exceed three percent.

(c) Program design.

(1) When designing and implementing the Program, the Agency shall consult stakeholders and experts in the field.

(2) The Program shall include:

(A) a streamlined and appropriately scaled application process;

(B) an outreach and education plan, including specific tactics to reach and support eligible applicants, especially those from underserved regions or sectors;

(C) an equitable system for distributing investment statewide on the basis of need according to a system of priorities that includes consideration of:

(i) geographic distribution;

(ii) community size;

(iii) community economic need; and

(iv) whether an application has already received an investment or is from an applicant in a community that has already received Program funding.

(3) The Agency shall use its best efforts to ensure:

(A) that investments are targeted to the geographic communities or regions with the most pressing economic and employment needs; and

(B) that the allocation of investments provides equitable access to the benefits to all eligible geographical areas.

(d) Revolving funds. The Agency shall retain payments of principal, interest, and any fees in a revolving loan fund, the amounts of which it shall use to issue future loans through the Program.

(e) The Agency shall report to the House Committee on General and Housing and the Senate Committee on Economic Development, Housing and General Affairs on the status of the Program annually, on or before January 15.

Sec. 39. RENTAL HOUSING REVOLVING LOAN PROGRAM;

APPROPRIATION

In fiscal year 2024, the amount of \$20,000,000.00 is appropriated from the General Fund to the Vermont Housing Finance Agency to implement the Rental Housing Revolving Loan Program created in 10 V.S.A. § 629.

* * * Vermont Rental Housing Improvement Program * * *

Sec. 40. 10 V.S.A. § 699 is amended to read:

§ 699. VERMONT RENTAL HOUSING IMPROVEMENT PROGRAM

(a) Creation of Program.

(1) The Department of Housing and Community Development shall design and implement the Vermont Rental Housing Improvement Program, through which the Department shall award funding to statewide or regional nonprofit housing organizations, or both, to provide competitive grants and forgivable loans to private landlords for the rehabilitation, including weatherization and accessibility improvements, of eligible rental housing units.

(2) The Department shall develop statewide standards for the Program, including factors that partner organizations shall use to evaluate applications and award grants and forgivable loans.

(3) A landlord shall not offer a unit created through the Program as a short-term rental, as defined in 18 V.S.A. § 4301, for the period a grant or loan agreement is in effect.

(b) Eligible rental housing units. The following units are eligible for a grant or forgivable loan through the Program:

(1) Non-code compliant.

(A) The unit is an existing unit, whether or not occupied, that does not comply with the requirements of applicable building, housing, or health laws.

(B) If the unit is occupied, the grant or forgivable loan agreement shall include terms:

(i) that prohibit permanent, involuntary displacement of the current residents;

(ii) that provide for the temporary relocation of the current residents if necessary to perform the rehabilitation; and

(iii) that ensure that the landlord complies with the affordability requirements of the Program following the rehabilitation.

(2) New accessory dwelling units. The unit will be:

(A) a newly created accessory dwelling unit that meets the requirements of 24 V.S.A. § 4412(1)(E);

(B) a newly created unit within an existing structure;

(C) a newly created residential structure that is a single unit; or

(D) a newly created unit within a newly created structure that contains five or fewer residential units.

(c) Administration. The Department shall require a housing organization that receives funding under the Program to adopt:

(1) a standard application form that describes the application process and includes instructions and examples to help landlords apply;

(2) an award process that ensures equitable selection of landlords, subject to a housing organization's exercise of discretion based on the factors adopted by the Department pursuant to subsection (a) of this section; and

(3) a grant and loan management system that ensures accountability for funds awarded.

(d) Program requirements applicable to grants and forgivable loans.

(1) A grant or loan shall not exceed \$50,000.00 per unit. In determining the amount of a grant or loan, a housing organization shall consider the number of bedrooms in the unit and whether the unit is being rehabilitated or newly created.

(2) A landlord shall contribute matching funds or in-kind services that equal or exceed 20 percent of the value of the grant or loan.

(3) A project may include a weatherization component.

(4) A project shall comply with applicable building, housing, and health laws.

(5) The terms and conditions of a grant or loan agreement apply to the original recipient and to a successor in interest for the period the grant or loan agreement is in effect.

(6) The identity of a recipient and the amount of a grant or forgivable loan are public records that shall be available for public copying and inspection and the Department shall publish this information at least quarterly on its website.

(e) Program requirements applicable to grants. For a grant awarded ~~under subdivision (b)(1) of this section for a unit that is non-code compliant through the Program~~, the following requirements apply for a minimum period of five years:

(1) A landlord shall coordinate with nonprofit housing partners and local coordinated entry organizations to identify potential tenants.

(2)(A) Except as provided in subdivision (2)(B) of this subsection (e), a landlord shall lease the unit to a household that is exiting homelessness or actively working with an immigrant or refugee resettlement program.

(B) If, upon petition of the landlord, the Department or the housing organization that issued the grant determines that a household exiting homelessness is not available to lease the unit, then the landlord shall lease the unit:

(i) to a household with an income equal to or less than 80 percent of area median income; or

(ii) if such a household is unavailable, to another household with the approval of the Department or housing organization.

(3)(A) A landlord shall accept any housing vouchers that are available to pay all, or a portion of, the tenant's rent and utilities.

(B) If no housing voucher or federal or State subsidy is available, the total cost of rent for the unit, including utilities not covered by rent payments, shall not exceed the applicable fair market rent established by the Department of Housing and Urban Development.

(4)(A) A landlord may convert a grant to a forgivable loan upon approval of the Department and the housing organization that approved the grant.

(B) A landlord who converts a grant to a forgivable loan shall receive a 10-percent credit for loan forgiveness for each year in which the landlord participates in the grant program.

(f) Requirements applicable to forgivable loans. For a forgivable loan awarded ~~under subdivision (b)(1) of this section for a unit that is non-code compliant~~ through the Program, the following requirements apply for a minimum period of 10 years:

(1)(A) A landlord shall accept any housing vouchers that are available to pay all, or a portion of, the tenant's rent and utilities.

(B) If no housing voucher or federal or State subsidy is available, the cost of rent for the unit, including utilities not covered by rent payments, shall not exceed the applicable fair market rent established by the Department of Housing and Urban Development.

(2) The Department shall forgive 10 percent of the amount of a forgivable loan for each year a landlord participates in the loan program.

~~(g) Requirements for an accessory dwelling unit.~~

~~(1) For a grant or forgivable loan awarded under subdivision (b)(2) of this section for a unit that is a new accessory dwelling unit the total cost of rent for the unit, including utilities not covered by rent payments, shall not exceed the applicable fair market rent established by the Department of Housing and Urban Development.~~

~~(2) A landlord shall not offer an accessory dwelling unit created through the Program as a short-term rental, as defined in 18 V.S.A. § 4301. [Repealed.]~~

(h) Lien priority. A lien for a grant converted to a loan or for a forgivable loan issued pursuant to this section is subordinate to:

(1) a lien on the property in existence at the time the lien for rehabilitation and weatherization of the rental housing unit is filed in the land records; and

(2) a first mortgage on the property that is refinanced and recorded after the lien for rehabilitation and weatherization of the rental housing unit is filed in the land records.

Sec. 41. VHIP; APPROPRIATION

In fiscal year 2024 the amount of \$20,000,000.00 is appropriated from the General Fund to the Department of Housing and Community Development for the Vermont Rental Housing Improvement Program.

Sec. 42. VERMONT HOUSING AND CONSERVATION BOARD;

APPROPRIATION

In fiscal year 2024, the amount of \$50,000,000.00 is appropriated from the General Fund to the Vermont Housing and Conservation Board to provide affordable mixed-income income rental housing and homeownership units; improvements to manufactured homes and communities; recovery residences; and, if determined eligible, housing available to farm workers and refugees. VHCB shall also use the funds for shelter and permanent homes for those experiencing homelessness in consultation with the Secretary of Human Services.

* * * Housing Permitting and Approval Process; Performance Audit * * *

Sec. 43. [Reserved.]

* * * Effective Dates * * *

Sec. 44. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that Secs. 1 (24 V.S.A. § 4414), 2 (24 V.S.A. § 4412) except for subdivision (D), 3 (24 V.S.A. § 4413), and 4 (24 V.S.A. § 4303) shall take effect on December 1, 2024 and Secs. 18–20 (enhanced designation) shall take effect on January 1, 2024.

(Committee vote: 8-4-0)

Rep. Bongartz of Manchester, for the Committee on Environment and Energy, recommends that the report of the Committee on General and Housing be amended as follows:

First: By striking out Secs. 1–25 and their reader assistance headers in their entirety and inserting in lieu thereof the following:

* * * Municipal Zoning * * *

Sec. 1. 24 V.S.A. § 4414 is amended to read:

§ 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

* * *

(4) Parking and loading facilities. A municipality may adopt provisions setting forth standards for permitted and required facilities for off-street parking and loading, which may vary by district and by uses within each district. In any district that is served by municipal sewer and water infrastructure that allows residential uses, a municipality shall not require more than one parking space per dwelling unit. However, a municipality may require 1.5 parking spaces for duplexes and multi-unit dwellings in areas not served by sewer and water and in areas that are located more than one-quarter

mile away from public parking rounded up to the nearest whole number when calculating the total number of spaces. These bylaws may also include provisions covering the location, size, design, access, landscaping, and screening of those facilities. In determining the number of parking spaces for nonresidential uses and size of parking spaces required under these regulations, the appropriate municipal panel may take into account the existence or availability of employer “transit pass” and rideshare programs, public transit routes, and public parking spaces in the vicinity of the development. ~~However, a municipality shall not require an accessory dwelling unit to have more than one parking space per bedroom.~~

* * *

Sec. 2. 24 V.S.A. § 4412 is amended to read:

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

(1) Equal treatment of housing and required provisions for affordable housing.

* * *

(D) Bylaws shall designate appropriate districts and reasonable regulations for multiunit or multifamily dwellings. No bylaw shall have the effect of excluding these multiunit or multifamily dwellings from the municipality. In any district that allows year-round residential development, duplexes shall be an allowed use with the same dimensional standards as a single-unit dwelling. In any district that is served by municipal sewer and water infrastructure that allows residential development, multiunit dwellings with four or fewer units shall be a permitted use, unless that district specifically requires multiunit structures to have more than four dwelling units.

(E) Except for flood hazard and fluvial erosion area bylaws adopted pursuant to section 4424 of this title, no bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to a single-family dwelling on an owner-occupied lot. A bylaw ~~may~~ shall require a single-family dwelling with an accessory dwelling unit to be subject to the same review, dimensional, or other controls as required for a single-family dwelling without an accessory dwelling unit. ~~An accessory dwelling unit means a distinct unit that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:~~ The criteria for conversion of an existing detached

nonresidential building to habitable space for an accessory dwelling unit shall not be more restrictive than the criteria used for a single-family dwelling without an accessory dwelling unit.

~~(i) The property has sufficient wastewater capacity.~~

~~(ii) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater.~~

* * *

(H) No bylaw shall have the effect of prohibiting or penalizing a hotel from renting rooms to provide housing assistance through the State of Vermont's General Assistance program, or to any person whose room is rented with public funds. In this subsection, the term "hotel" has the same meaning as in 32 V.S.A. 9202(3).

* * *

(12) In any area served by municipal sewer and water infrastructure that allows residential development, bylaws shall establish lot and building dimensional standards that allow five or more dwelling units per acre for each allowed residential use, and density standards for multiunit dwellings shall not be more restrictive than those required for single-family dwellings.

(13) In any area served by municipal sewer and water infrastructure that allows residential development, bylaws shall permit any affordable housing development, as defined in subdivision 4303(2) of this title, including mixed-use development, to exceed density limitations for residential developments by an additional 40 percent, which shall include exceeding maximum height limitations by one floor, provided that the structure complies with the Vermont Fire and Building Safety Code.

Sec. 3. 24 V.S.A. § 4413 is amended to read:

§ 4413. LIMITATIONS ON MUNICIPAL BYLAWS

(a)(1) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

(A) State- or community-owned and ~~operated~~ operated institutions and facilities;

(B) public and private schools and other educational institutions certified by the Agency of Education;

(C) churches and other places of worship, convents, and parish houses;

(D) public and private hospitals;

(E) regional solid waste management facilities certified under 10 V.S.A. chapter 159;

(F) hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a; and

(G) emergency shelters.

(2) Except for State-owned and -operated institutions and facilities, a municipality may regulate each of the land uses listed in subdivision (1) of this subsection for compliance with the National Flood Insurance Program and for compliance with a municipal ordinance or bylaw regulating development in a flood hazard area or river corridor, consistent with the requirements of subdivision 2291(25) and section 4424 of this title. These regulations shall not have the effect of interfering with the intended functional use.

(3) For purposes of this subsection, regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended functional use.

* * *

Sec. 4. 24 V.S.A. § 4303 is amended to read:

§ 4303. DEFINITIONS

The following definitions shall apply throughout this chapter unless the context otherwise requires:

* * *

(38) “Accessory dwelling unit” means a distinct unit that is clearly subordinate to a single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

(A) the property has sufficient wastewater capacity; and

(B) the unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater.

(39) “Duplex” means a residential building that has two dwelling units in the same building and neither unit is an accessory dwelling unit.

(40) “Emergency shelter” means any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for

specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements.

(41) “Multiunit or multifamily dwelling” means a building that contains three or more dwelling units in the same building.

(42)(A) An area “served by municipal sewer and water infrastructure” means:

(i) an area where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and not prohibited by:

(I) State regulations or permits;

(II) identified capacity constraints; or

(III) municipally adopted service and capacity agreements; or

(ii) an area established by the municipality by ordinance or bylaw where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and which may exclude:

(I) flood hazard or inundation areas as established by statute, river corridors or fluvial erosion areas as established by statute, shorelands, areas within a zoning district or overlay district the purpose of which is natural resource protection, and wherever year-round residential development is not allowed;

(II) areas with identified service limits established by State regulations or permits, identified capacity constraints, or municipally adopted service and capacity agreements;

(III) areas served by sewer and water to address an identified community-scale public health hazard or environmental hazard;

(IV) areas serving a mobile home park that is not within an area planned for year-round residential growth;

(V) areas serving an industrial site or park;

(VI) areas where service lines are located to serve the areas described in subdivisions (III)–(V) of this subdivision (ii), but no connections or expansions are permitted; or

(VII) areas that, through an approved Planned Unit Development under section 4417 of this title or Transfer of Development Rights under section 4423 of this title, prohibit year-round residential development.

(B) Municipally adopted areas served by municipal sewer and water infrastructure that limit sewer and water connections and expansions shall not result in the unequal treatment of housing by discriminating against a year-round residential use or housing type otherwise allowed in this chapter.

Sec. 5. 24 V.S.A. § 4441 is amended to read:

§ 4441. PREPARATION OF BYLAWS AND REGULATORY TOOLS;
AMENDMENT OR REPEAL

* * *

(c) When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. ~~The Department of Housing and Community Development shall provide all municipalities with a form for this report.~~ The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title; and shall include findings regarding how the proposal:

(1) ~~Conforms~~ conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing; ~~and sections 4412, 4413, and 4414 of this title;~~

(2) ~~Is~~ is compatible with the proposed future land uses and densities of the municipal plan; ~~and~~

(3) ~~Carries~~ carries out, as applicable, any specific proposals for any planned community facilities.

* * *

(h) Upon adoption or amendment of a bylaw, the planning commission shall prepare an adoption report in form and content provided by the Department of Housing and Community Development that:

(1) confirms that zoning districts' GIS data has been submitted to the Department and that the data complies with the Vermont Zoning GIS Data Standard adopted pursuant to 10 V.S.A. § 123;

(2) confirms that the complete bylaw has been uploaded to the Municipal Plan and Bylaw Database;

(3) demonstrates conformity with sections 4412, 4413, and 4414 of this title; and

(4) provides information on the municipal application of subchapters 7 (bylaws), 9 (administration), and 10 (panels) of this chapter for the Municipal Planning Data Center and the prospective development of a statewide zoning atlas.

Sec. 6. 24 V.S.A. § 4465 is amended to read:

§ 4465. APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER

(a) An interested person may appeal any decision or act taken by the administrative officer in any municipality by filing a notice of appeal with the secretary of the board of adjustment or development review board of that municipality or with the clerk of that municipality if no such secretary has been elected. This notice of appeal must be filed within 15 days of following the date of that decision or act, and a copy of the notice of appeal shall be filed with the administrative officer.

(b) ~~For the purposes of~~ As used in this chapter, an “interested person” means any one of the following:

(1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

(2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.

(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person’s interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

~~(4) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality person aggrieved as defined in 10 V.S.A. § 8502(7). This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal. For purposes of this subdivision, a particularized interest~~

shall not include the character of the area affected if the project has a residential component that includes affordable housing.

(5) Any department and administrative subdivision of this State owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the Agency of Commerce and Community Development of this State.

* * *

Sec. 6a. 10 V.S.A. § 8502(7) is amended to read:

(7) “Person aggrieved” means a person who alleges an injury to a particularized interest protected by the provisions of law listed in section 8503 of this title, or in 24 V.S.A. chapter 117, attributable to an act or decision by a district coordinator, District Commission, the Secretary, or in the case of an act or decision related to 24 V.S.A. chapter 117, an appropriate municipal panel, administrative officer, or municipal official, or the Environmental Division that can be redressed by the Environmental Division or the Supreme Court.

* * * Subdivisions * * *

Sec. 7. 24 V.S.A. § 4463 is amended to read:

§ 4463. SUBDIVISION REVIEW

(a) Approval of plats. Before ~~any~~ a plat for a major subdivision is approved, a public hearing on the plat shall be held by the appropriate municipal panel after public notice. A bylaw may provide for the administrative officer to approve minor subdivisions. A copy of the notice shall be sent to the clerk of an adjacent municipality, in the case of a plat located within 500 feet of a municipal boundary, at least 15 days prior to the public hearing.

(b) Plat; record. The approval of the appropriate municipal panel or administrative officer, if the bylaws provide for their approval of minor subdivisions, shall expire 180 days from that approval or certification unless, within that 180-day period, that plat shall have been duly filed or recorded in the office of the clerk of the municipality. After an approved plat or certification by the clerk is filed, no expiration of that approval or certification shall be applicable.

(1) The bylaw may allow the administrative officer to extend the date for filing the plat by an additional 90 days; if final local or State permits or approvals are still pending.

(2) No plat showing a new street or highway may be filed or recorded in the office of the clerk of the municipality until it has been approved by the

appropriate municipal panel, or administrative officer if allowed under the bylaws, pursuant to subsection (a) of this section, and that approval is endorsed in writing on the plat, or the certificate of the clerk of the municipality showing the failure of the appropriate municipal panel to take action within the 45-day period is attached to the plat and filed or recorded with the plat. After that filing or recording, the plat shall be a part of the official map of the municipality.

* * *

Sec. 8. 24 V.S.A. § 4418 is amended to read:

§ 4418. SUBDIVISION BYLAWS

* * *

(2) Subdivision bylaws may include:

(A) ~~Provisions~~ provisions allowing the appropriate municipal panel to waive or modify, subject to appropriate conditions, the provision of any or all improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety, and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision;

(B) ~~Procedures~~ procedures for conceptual, preliminary, partial, and other reviews preceding submission of a subdivision plat, including any administrative reviews;

(C) ~~Specific~~ specific development standards to promote the conservation of energy or to permit the utilization of renewable energy resources, or both;

(D) State standards and criteria under 10 V.S.A. § 6086(a); and

(E) provisions to allow the administrative officer to approve minor subdivisions.

* * * Appeals * * *

Sec. 9. 24 V.S.A. § 4471 is amended to read:

§ 4471. APPEAL TO ENVIRONMENTAL DIVISION

* * *

(e) ~~Neighborhood development area~~ Designated areas. Notwithstanding subsection (a) of this section, a determination by an appropriate municipal panel that a residential development will not result in an undue adverse effect

on the character of the area affected shall not be subject to appeal if the determination is that a proposed residential development seeking conditional use approval under subdivision 4414(3) of this title is within a designated downtown development district, designated growth center, designated Vermont neighborhood, or designated neighborhood development area seeking conditional use approval will not result in an undue adverse effect on the character of the area affected under subdivision 4414(3) of this title. Other elements of the determination made by the appropriate municipal panel may be appealed.

* * * By Right * * *

Sec. 10. 24 V.S.A. § 4464(b) is amended to read:

(b) Decisions.

* * *

(7)(A) A decision rendered by the appropriate municipal panel for a housing development or the housing portion of a mixed-use development shall not:

(i) require a larger lot size than the minimum as determined in the municipal bylaws;

(ii) require more parking spaces than the minimum as determined in the municipal bylaws and in section 4414 of this title;

(iii) limit the building size to less than that allowed in the municipal bylaws, including reducing the building footprint or height;

(iv) limit the density of dwelling units to below that allowed in the municipal bylaws; and

(v) otherwise disallow a development to abide by the minimum or maximum applicable municipal standards.

(B) However, a decision may require adjustments to the applicable municipal standards listed in subdivision (A) of this subdivision (7) if the panel or officer issues a written finding stating:

(i) why the modification is necessary to comply with a prerequisite State or federal permit, municipal permit, or a nondiscretionary standard in a bylaw or ordinance, including requirements related to wetlands, setbacks, and flood hazard areas and river corridors; and

(ii) how the identified restrictions do not result in an unequal treatment of housing or an unreasonable exclusion of housing development otherwise allowed by the bylaws.

Sec. 11. 24 V.S.A. § 4348a is amended to read:

§ 4348a. ELEMENTS OF A REGIONAL PLAN

(a) A regional plan shall be consistent with the goals established in section 4302 of this title and shall include the following:

* * *

(9) A housing element that identifies the regional and community-level need for housing for all economic groups in the region and communities. In establishing the identified need, due consideration shall be given to that will result in an adequate supply of building code and energy code compliant homes where most households spend not more than 30 percent of their income on housing and not more than 15 percent on transportation. To establish housing needs, the Department of Housing and Community Development shall publish statewide and regional housing targets or ranges as part of the Statewide Housing Needs Assessment. The regional planning commission shall consult the Statewide Housing Needs Assessment; current and expected demographic data; the current location, quality, types, and cost of housing; other local studies related to housing needs; and data gathered pursuant to subsection 4382(c) of this title. If no such data has been gathered, the regional planning commission shall gather it. The regional planning commission's assessment shall estimate the total needed housing investments in terms of price, quality, unit size or type, and zoning district as applicable and shall disaggregate regional housing targets or ranges by municipality. The housing element shall include a set of recommended actions to satisfy the established needs.

* * *

Sec. 12. 24 V.S.A. § 4382 is amended to read:

§ 4382. THE PLAN FOR A MUNICIPALITY

(a) A plan for a municipality ~~may~~ shall be consistent with the goals established in section 4302 of this title and compatible with approved plans of other municipalities in the region and with the regional plan and shall include the following:

* * *

(10) A housing element that shall include a recommended program for ~~addressing low and moderate income persons' public and private actions to address~~ housing needs as identified by the regional planning commission pursuant to subdivision 4348a(a)(9) of this title. The program should use data on year-round and seasonal dwellings and include specific actions to address

the housing needs of persons with low income and persons with moderate income and account for permitted accessory dwelling units, as defined in subdivision 4412(1)(E) of this title, which provide affordable housing residential development as described in section 4412 of this title.

* * *

Sec. 13. 24 V.S.A. § 4442 is amended to read:

§ 4442. ADOPTION OF BYLAWS AND RELATED REGULATORY
TOOLS; AMENDMENT OR REPEAL

* * *

(c) Routine adoption.

(1) A bylaw, bylaw amendment, or bylaw repeal shall be adopted by a majority of the members of the legislative body at a meeting that is held after the final public hearing, and shall be effective 21 days after adoption unless, by action of the legislative body, the bylaw, bylaw amendment, or bylaw repeal is warned for adoption by the municipality by Australian ballot at a special or regular meeting of the municipality.

(2) ~~However, a rural town as defined in section 4303 of this chapter, by vote of that town at a special or regular meeting duly warned on the issue, may elect to require that bylaws, bylaw amendments, or bylaw repeals shall be adopted by vote of the town by Australian ballot at a special or regular meeting duly warned on the issue. That procedure shall then apply until rescinded by the voters at a regular or special meeting of the town.~~

* * *

Sec. 14. 24 V.S.A. § 4306 is amended read:

§ 4306. MUNICIPAL AND REGIONAL PLANNING FUND

* * *

(b)(1) Allocations for performance contract funding to regional planning commissions shall be determined according to a formula to be adopted by rule under 3 V.S.A. chapter 25 by the Department for the assistance of the regional planning commissions. Disbursement of funding to regional planning commissions shall be predicated upon meeting performance goals and targets pursuant to the terms of the performance contract.

(2) Disbursement to municipalities shall be awarded annually on or before December 31 through a competitive program administered by the Department providing the opportunity for any eligible municipality or

municipalities to compete regardless of size, provided that to receive funds, a municipality:

(A) shall be confirmed under section 4350 of this title; or

(B)(i) shall use the funds for the purpose of developing a municipal plan to be submitted for approval by the regional planning commission, as required for municipal confirmation under section 4350 of this title; and

(ii) shall have voted at an annual or special meeting to provide local funds for municipal and regional planning purposes.

(3) Of the annual disbursement to municipalities, an amount not to exceed 20 percent of the total may be disbursed to the Department to administer a program providing direct technical consulting assistance under retainer on a rolling basis to any eligible municipality to meet the requirements for designated neighborhood development area under chapter 76A of this title, provided that the municipality is eligible for funding under subdivision (2) and meets funding guidelines established by the Department to ensure accessibility for lower capacity communities, municipal readiness, and statewide coverage.

(4) Of the annual disbursement to municipalities, the Department may allocate funding as bylaw modernization grants under 4307.

* * *

~~(d) New funds allocated to municipalities under this section may take the form of Municipal Bylaw Modernization Grants in accordance with section 4307 of this title.~~

* * * Regional Planning * * *

Sec. 15. REGIONAL PLANNING REPORT

(a) On or before December 15, 2023, the Vermont Association of Planning and Development Agencies shall report on statutory recommendations to better integrate and implement municipal, regional, and State plans, policies, and investments by focusing on regional future land use maps and policies.

(b) The recommendations shall address how to accomplish the following:

(1) Aligning policies and implementation between municipalities, regional planning commissions, and State entities to better address climate change, climate resiliency, natural resources, housing, transportation, economic development, and other place-based issues.

(2) Building upon municipal and regional enhanced energy plans and their implementation.

(3) Evaluating place-based policy and project decisions by the State, regional planning commissions, and municipalities related to implementing regional future land use maps and policies and recommending changes to which of those governmental levels those decisions should occur, if necessary.

(4) Ensuring that State agency investment and policy decisions that relate to land development are consistent with regional and local plans. The investments assessed should include, at a minimum:

- (A) drinking water;
- (B) wastewater;
- (C) stormwater;
- (D) transportation;
- (E) community and economic development;
- (F) housing;
- (G) energy; and
- (H) telecommunications.

(5) Achieving statewide consistency of future land use maps and policies to better support Act 250 and 30 V.S.A. § 248.

(6) How Act 250 and 30 V.S.A. § 248 could better support implementation of regional future land use maps and policies.

(7) Better support implementation of regional future land use maps and policies in the State designation program under 24 V.S.A. chapter 76A.

(8) Improving the quality and effectiveness of future land use maps in regional and municipal plans through changes to 24 V.S.A. chapter 117 including:

(A) future land use map area delineations, definitions, statements, and policies;

(B) existing settlement definitions and their relationship to future land use maps;

(C) the role of regional plans in the review and approval of municipal plans and planning processes; and

(D) a review mechanism to ensure bylaws are consistent with municipal plans.

(c) The report should also discuss how best to implement the recommendations, including the following:

- (1) how best to phase in the recommendations;
- (2) how to establish a mechanism for the independent review of regional plans to ensure consistency with statutory requirements;
- (3) what guidance and training will be needed to implement the recommendations; and
- (4) what incentives and accountability mechanisms are necessary to accomplish these changes at all levels of government.

(d) The Vermont Association of Planning and Development Agencies shall consult with the Agency of Transportation, the Agency of Natural Resources, the Agency of Commerce and Community Development, the Department of Public Service, Vermont Emergency Management, the Natural Resources Board, the regional development corporations, the Vermont League of Cities and Towns, statewide environmental organizations, and other interested parties in developing the report and shall summarize comments.

(e) On or before December 15, 2023, the Vermont Association of Planning and Development Agencies shall submit the report to the following committees: the Senate Committees on Economic Development, Housing and General Affairs, on Government Operations, on Natural Resources and Energy, and on Transportation and the House Committees on Commerce and Economic Development, on Environment and Energy, on General and Housing, on Government Operations and Military Affairs, and on Transportation.

(f) The Vermont Association of Planning and Development Agencies shall be funded in fiscal year 2023 and fiscal year 2024 for this study through the regional planning grant established in 24 V.S.A. § 4306.

Sec. 15a. HOUSING RESOURCE NAVIGATOR FOR REGIONAL

PLANNING COMMISSIONS

(a) The Vermont Association of Planning and Development Agencies shall hire Housing Resource Navigators to work with municipalities, regional and local housing organizations, and private developers to identify housing opportunities, match communities with funding resources, and provide project management support.

(b) There is appropriated the sum of \$300,000.00 in fiscal year 2024 to the Vermont Association of Planning and Development Agencies for the purpose of hiring the Housing Navigators as described in subsection (a) of this section.

* * * Act 250 * * *

Sec. 16. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

As used in this chapter:

* * *

(3)(A) “Development” means each of the following:

* * *

(iv) The construction of housing projects such as cooperatives, condominiums, or dwellings, or construction or maintenance of mobile homes or mobile home parks, with 10 or more units, constructed or maintained on a tract or tracts of land, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years. However:

* * *

(xi) Notwithstanding any other provision of law to the contrary, until July 1, 2026, the construction of housing projects such as cooperatives, condominiums, dwellings, or mobile homes, with 25 or more units, constructed or maintained on a tract or tracts of land, located entirely within a designated downtown development district, a designated neighborhood development area, a designated village center with permanent zoning and subdivision bylaws, or a designated growth center, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years. For purposes of this subsection, the construction of four units or fewer of housing in an existing structure shall only count as one unit towards the total number of units

* * *

(D) The word “development” does not include:

* * *

(viii)(I) The construction of a priority housing project in a municipality with a population of 10,000 or more.

(II) If the construction of a priority housing project in this subdivision (3)(D)(viii) involves demolition of one or more buildings that are listed or eligible to be listed on the State or National Register of Historic Places, this exemption shall not apply unless the Division for Historic Preservation has made the determination described in subdivision (A)(iv)(I)(ff) of this subdivision (3) and any imposed conditions are enforceable in the manner set forth in that subdivision.

(III) Notwithstanding any other provision of law to the contrary, until July 1, 2026, the construction of a priority housing project located entirely within a designated downtown development district, designated neighborhood development area, or a designated growth center.

* * *

Sec. 16a. ACT 250 EXEMPTION REQUIREMENTS

In order to qualify for the exemptions established in 10 V.S.A. § 6001 (3)(A)(xi) and (3)(D)(viii)(III), a person shall request a jurisdictional opinion under 10 V.S.A. § 6007 on or before June 30, 2026. The jurisdictional opinion shall require the project to substantially complete construction on or before June 30, 2029 in order to remain exempt.

Sec. 17. 10 V.S.A. § 6086b is amended to read:

§ 6086b. DOWNTOWN DEVELOPMENT; FINDINGS; MASTER PLAN PERMITS

(a) Findings and conclusions. Notwithstanding any provision of this chapter to the contrary, each of the following shall apply to a development or subdivision that is completely within a downtown development district designated under 24 V.S.A. chapter 76A and for which a permit or permit amendment would otherwise be required under this chapter:

(1) In lieu of obtaining a permit or permit amendment, a person may request findings and conclusions from the District Commission, which shall approve the request if it finds that the development or subdivision will meet subdivisions 6086(a)(1) (air and water pollution), (2) (sufficient water available), (3) (burden on existing water supply), (4) (soil erosion), (5) (traffic), (8) (aesthetics, historic sites, rare and irreplaceable natural areas), (8)(A) (endangered species; necessary wildlife habitat), (9)(B) (primary agricultural soils), (9)(C) (productive forest soils), (9)(F) (energy conservation), and (9)(K) (public facilities, services, and lands) of this title.

* * *

(b) Master plan permits.

(1) Any municipality within which a downtown development district or neighborhood development area has been formally designated pursuant to 24 V.S.A. chapter 76A may apply to the District Commission for a master plan permit for that area or any portion of that area pursuant to the rules of the Board. Municipalities making an application under this subdivision are not required to exercise ownership of or control over the affected property.

(2) Subsequent development of an individual lot within the area of the master plan permit that requires a permit under this chapter shall take the form of a permit amendment.

(3) In neighborhood development areas, subsequent master plan permit amendments shall only be issued for development that is housing.

(4) In approving a master plan permit and amendments, the District Commission may include specific conditions that an applicant for an individual project permit shall be required to meet.

(5) For a master plan permit issued pursuant to this section, an application for an amendment may use the findings issued in the master plan permit as a rebuttable presumption to comply within any applicable criteria under subsection 6086(a) of this title.

Sec. 18. 10 V.S.A. § 6083a is amended to read:

§ 6083a. ACT 250 FEES

(a) All applicants for a land use permit under section 6086 of this title shall be directly responsible for the costs involved in the publication of notice in a newspaper of general circulation in the area of the proposed development or subdivision and the costs incurred in recording any permit or permit amendment in the land records. In addition, applicants shall be subject to each of the following fees for the purpose of compensating the State of Vermont for the direct and indirect costs incurred with respect to the administration of the Act 250 program:

(1) For applications for projects involving construction, \$6.65 for each \$1,000.00 of the first \$15,000,000.00 of construction costs, and \$3.12 for each \$1,000.00 of construction costs above \$15,000,000.00. An additional \$0.75 for each \$1,000.00 of the first \$15,000,000.00 of construction costs shall be paid to the Agency of ~~National~~ Natural Resources to account for the Agency of Natural Resources' review of Act 250 applications.

(2) For applications for projects involving the creation of lots, \$125.00 for each lot.

(3) For applications for projects involving exploration for or removal of oil, gas, and fissionable source materials, a fee as determined under subdivision (1) of this subsection or \$1,000.00 for each day of Commission hearings required for such projects, whichever is greater.

(4) For applications for projects involving the extraction of earth resources, including sand, gravel, peat, topsoil, crushed stone, or quarried material, the greater of: a fee as determined under subdivision (1) of this

subsection; or a fee equivalent to the rate of \$0.02 per cubic yard of the first million cubic yards of the total volume of earth resources to be extracted over the life of the permit, and \$.01 per cubic yard of any such earth resource extraction above one million cubic yards. Extracted material that is not sold or does not otherwise enter the commercial marketplace shall not be subject to the fee. The fee assessed under this subdivision for an amendment to a permit shall be based solely upon any additional volume of earth resources to be extracted under the amendment.

(5) For applications for projects involving the review of a master plan, a fee equivalent to \$0.10 per \$1,000.00 of total estimated construction costs in current dollars in addition to the fee established in subdivision (1) of this subsection for any portion of the project seeking construction approval.

~~(6) In no event shall a permit application fee exceed \$165,000.00.~~

(b) Notwithstanding the provisions of subsection (a) of this section, there shall be a minimum fee of \$187.50 for original applications and \$62.50 for amendment applications, in addition to publication and recording costs. These costs shall be in addition to any other fee established by statute, unless otherwise expressly stated. In addition, in no event shall the fee for an individual permit or permit amendment application, including each individual permit or permit amendment application seeking approval for any portion of a project involving a master plan, exceed \$165,000.00.

* * *

Sec. 18a. REPORT; ACT 250 MUNICIPAL DELEGATION

(a) The Vermont Association of Planning and Development Agencies, in consultation with the Natural Resources Board, shall develop a proposed framework for delegating administration of Act 250 permits to municipalities. They shall consult with other relevant stakeholders, including those with experience issuing Act 250 permits under 10 V.S.A. chapter 151, environmental organizations, State agencies, and municipal planning and zoning officials. Each regional planning commission shall hold one public meeting on the framework.

(b) On or before December 31, 2023, the Vermont Association of Planning and Development Agencies shall report to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy on the proposed framework to delegate Act 250 permit administration to municipalities.

Sec. 19. 2022 Acts and Resolves No. 182, Sec. 41 is amended to read:

Sec. 41. REPORT; NATURAL RESOURCES BOARD

(a) On or before December 31, 2023, the Chair of the Natural Resources Board shall report to the House Committees on ~~Natural Resources, Fish, and Wildlife~~ Environment and Energy and on Ways and Means and the Senate Committees on Finance and on Natural Resources and Energy on necessary updates to the Act 250 program.

(b) The report shall include:

(1) How to transition to a system in which Act 250 jurisdiction is based on location, which shall encourage development in designated areas; the maintenance of intact rural working lands; and the protection of natural resources of statewide significance, including biodiversity. Location-based jurisdiction would adjust the threshold for Act 250 jurisdiction based on the characteristics of the location. This section of the report shall consider whether to develop thresholds and tiers of jurisdiction as recommended in the Commission on Act 250: the Next 50 Years Report.

(2) How to use the Capability and Development Plan to meet the statewide planning goals.

(3) An assessment of the current level of staffing of the Board and District Commissions, including whether there should be a district coordinator located in every district.

(4) Whether the permit fees are sufficient to cover the costs of the program and, if not, a recommendation for a source of revenue to supplement the fees.

(5) Whether the permit fees are effective in providing appropriate incentives.

(6) Whether the Board should be able to assess its costs on applicants.

(7) Whether increasing jurisdictional thresholds for housing development to 25 units under 10 V.S.A. § 6001(3)(A)(iv) would affect housing affordability, especially for primary homeownership, and what the potential impact of increasing those thresholds to 25 units would have on natural and community resources addressed under existing Act 250 criteria.

Sec. 19a. 2022 Acts and Resolves No. 182, Sec. 40 is amended to read:

Sec. 40. DESIGNATED AREA REPORT; APPROPRIATION

* * *

(3) On or before ~~July 15, 2023,~~ December 31, 2023, the consultant shall submit a written report to the General Assembly with its findings and any recommendations for legislative action.

* * * Covenants * * *

Sec. 20. 27 V.S.A. § 545 is amended to read:

§ 545. COVENANTS, CONDITIONS, AND RESTRICTIONS OF
SUBSTANTIAL PUBLIC INTEREST

(a) Deed restrictions, covenants, or similar binding agreements added after March 1, 2021 that prohibit or have the effect of prohibiting land development allowed under 24 V.S.A. § 4412(1)(E) and (2)(A) shall not be valid.

(b) Deed restrictions or covenants added after July 1, 2023 shall not be valid if they require a minimum dwelling unit size on the property or more than one parking space per dwelling unit if the property is located in an area served by municipal sewer and water infrastructure as defined in 24 V.S.A. § 4303 that allows residential uses or more than 1.5 parking spaces for duplexes and multi-unit dwellings in areas not served by sewer and water and in areas that are located more than one-quarter mile away from public parking rounded up to the nearest whole number when calculating the total number of spaces.

(c) This section shall not affect the enforceability of any property interest held in whole or in part by a qualified organization or State agency as defined in 10 V.S.A. § 6301a, including any restrictive easements, such as conservation easements and historic preservation rights and interests defined in 10 V.S.A. § 822. This section shall not affect the enforceability of any property interest that is restricted by a housing subsidy covenant as defined by section 610 of this title and held in whole or in part by an eligible applicant as defined in 10 V.S.A. § 303(4) or the Vermont Housing Finance Agency.

* * * Road Disclosure * * *

Sec. 21. 27 V.S.A. § 617 is added to read:

§ 617. DISCLOSURE OF CLASS 4 ROAD

(a) Disclosure of maintenance on class 4 highway. Any property owner who sells property located on a class 4 highway or legal trail shall disclose to the buyer that the municipality is not required to maintain the highway or trail as described in 19 V.S.A. § 310.

(b) Marketability of title. Noncompliance with the requirements of this section shall not affect the marketability of title of a property.

* * * Building Energy Code Study Committee * * *

Sec. 22. FINDINGS

The General Assembly finds that:

(1) Vermont established the Residential Building Energy Standards (RBES) in 1997 and the Commercial Building Energy Standards (CBES) in 2007. The Public Service Department is responsible for adopting and updating these codes regularly but does not have the capacity to administer or enforce them.

(2) The RBES and CBES are mandatory, but while municipalities with building departments handle some aspects of review and inspection, there is no State agency or office designated to interpret, administer, and enforce them.

(3) The Division of Fire Safety in the Department of Public Safety is responsible for development, administration, and enforcement of building codes but does not currently have expertise or capacity to add administration or enforcement of energy codes in buildings.

(4) Studies in recent years show compliance with the RBES at about 54 percent and CBES at about 87 percent, with both rates declining. Both codes are scheduled to become more stringent with the goal of “net-zero ready” by 2030.

(5) In December 2022, the U.S. Department of Energy issued the Bipartisan Infrastructure Law: Resilient and Efficient Codes Implementation Funding Opportunity Announcement. The first \$45 million of a five-year \$225 million program is available in 2023. Vermont’s increased code compliance plans should include contingencies for this potential funding.

Sec. 23. ENERGY CODE COMPLIANCE; STUDY COMMITTEE

(a) Creation. There is created the Building Energy Code Study Committee to recommend strategies for increasing compliance with the Residential Building Energy Standards (RBES) and Commercial Building Energy Standards (CBES).

(b) Membership. The Committee shall have 15 members with applicable expertise, to include program design and implementation, building code administration and enforcement, and Vermont’s construction industry. The Speaker of the House shall appoint three members, including up to one legislator. The Committee on Committees shall appoint two members, including up to one legislator. The remaining members shall be the following:

(1) the Commissioner of Public Service or designee;

(2) the Director of Fire Safety or designee;

(3) a representative of Efficiency Vermont;

- (4) a representative of American Institute of Architects–Vermont;
- (5) a representative of the Vermont Builders and Remodelers Association;
- (6) a representative the Burlington Electric Department;
- (7) a representative of Vermont Gas Systems;
- (8) a representative of the Association of General Contractors of Vermont;
- (9) a representative of the Vermont League of Cities and Towns; and
- (10) a representative from a regional planning commission.

(c) Powers and duties. The Committee shall:

(1) consider and recommend strategies to increase awareness of and compliance with the RBES and CBES, including the potential designation of the Division of Fire Safety (DFS) in the Department of Public Safety as the statewide authority having jurisdiction for administration, interpretation, and enforcement, in conjunction with DFS' existing jurisdiction, over building codes;

(2) evaluate current cost-effectiveness analyses for the RBES and the CBES, whether they include or should include nonenergy benefits such as public health benefits and the cost of carbon, and how that impacts the affordability of housing projects and provide recommendations; and

(3) assess how the building energy codes interact with the fire and building safety codes.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Department of Public Service. The Department shall hire a third-party consultant to assist and staff the Committee, which may be funded by monies appropriated by the General Assembly or any grant funding received.

(e) Report. On or before December 1, 2023, the Committee shall submit a written report to the General Assembly with its findings and recommendations for legislative action.

(f) Meetings.

(1) The Department of Public Service shall call the first meeting of the Committee to occur on or before July 15, 2023.

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

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

(4) The final meeting shall be held on or before October 31, 2023. The Committee shall cease to exist on December 1, 2023.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the 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 six meetings.

(2) Other members of the Committee 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 six meetings.

(3) The payments under this subsection (g) shall be made from monies appropriated by the General Assembly or any grant funding received.

Sec. 24. RURAL RECOVERY COORDINATION COUNCIL

(a) Goals. The Rural Recovery Coordination Council is created to study and make recommendations on how to strengthen coordination between agencies and stakeholders involved in rural community development.

(b) Purposes. The Council shall consider and identify strategies to:

(1) prioritize areas of investment into Vermont's rural communities in order to ensure necessary resources to meet Vermont's climate goals, rural community development objectives, and environmental sustainability requirements;

(2) build long-term emergency and disaster preparedness and recovery;

(3) ensure intergovernmental and regional communications and coordination; and

(4) improve access to technical assistance and support from regional and statewide agencies and programs.

(c) Powers and duties. The Council shall identify structural changes and improve coordination across all levels of government to support rural community development, including addressing the following issues:

(1) a permanent structure for ensuring rural community development programming within State government;

(2) how to better include rural voices in regional collaboration and prioritization projects;

(3) how municipal, regional, and State plans, policies, and investments can be integrated and mutually supportive;

(4) where to establish an office of Rural Community Development and how long the office should be authorized for; and

(5) how to support capacity at the municipal level and how to support multitown coordination and collaboration.

(d) Report. On or before December 15, 2023, the Council shall report to the General Assembly and to the Agency of Administration with its findings, recommendations, and draft legislation.

(e) Members. The Council shall comprise the following members:

(1) the Vermont Chief Performance Officer or designee;

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

(3) the Commissioner of Public Service or designee;

(4) the Secretary of Transportation or designee;

(5) the Director of Racial Equity or designee;

(6) one or more representatives from the regional planning commissions appointed by the Vermont Association of Planning and Development Agencies;

(7) one or more representatives from the regional development corporations appointed by the Regional Development Corporations of Vermont;

(8) the Executive Director of the Vermont League of Cities and Towns or designee;

(9) a member, appointed by the Vermont Communications Union Districts Association;

(10) the Secretary of Natural Resources or designee;

(11) a member, appointed by the University of Vermont Office of Engagement;

(12) a member, appointed by the Vermont Housing and Conservation Board;

(13) a member of the House of Representatives, appointed by the Speaker of the House; and

(14) a member of the Senate, appointed by the Committee on Committees.

(f) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Council shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23.

(2) Other members of the Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010.

(g) Meetings; administration.

(1) The Council shall meet at least five times and take testimony from a variety of stakeholders, including from representatives from municipalities of variety of sizes and from those with experience in state land use planning, regional planning, municipal planning, economic planning, or strategic planning.

(2) The Vermont Council on Rural Development shall convene the first meeting the Rural Recovery Coordination Council, facilitate the meetings, and provide administrative support.

(3) The Committee shall cease to exist on March 31, 2024.

(h) Appropriation. In fiscal year 2024, the amount of \$40,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development to provide funding for the Council as follows:

(1) \$30,000.00 to the Vermont Council on Rural Development to convene meetings of the Council and provide administrative and policy support; and

(2) \$10,000.00 to provide per diem compensation and reimbursement of expenses for members of the Council.

Sec. 25. ANR REVIEW OF PERMITTING OF POTABLE WATER AND WASTEWATER CONNECTION PERMITS

(a) The Agency of Natural Resources (ANR) shall review the statutory requirements, regulatory requirements, and ANR processes governing ANR's issuance of potable water and wastewater connection permits in order to identify approaches for reducing the administrative burden and costs incurred

by municipalities and permit applicants. In conducting its review, ANR shall consult with the Agency of Commerce and Community Development, representatives of municipalities, professional engineers and licensed designers, and environmental organizations regarding alternatives for improving permitting of potable water and wastewater connections.

(b) In conducting the review required by this section, ANR shall:

(1) review and analyze the permitting standards and permit processes for potable water and wastewater connections in other jurisdictions;

(2) identify any State permitting requirements or ANR processes that may be duplicated under State and local permits and propose how to eliminate such redundancies;

(3) assess how to simplify and expedite the permitting process for potable water and wastewater connection permits;

(4) identify data and document sharing and management solutions for potable water and wastewater connections connection permits, including how to make municipal and State permits available to the public in an electronic format or on a statewide platform; and

(5) propose revised criteria for the issuance of potable water and wastewater connections connection permits, including criteria to address public interest, public health and safety, and environmental impacts of connections.

(c) ANR shall complete the review required by this section on or before July 1, 2025. The Agency is authorized to implement or revise any permitting processes or criteria that do not require or conflict with statutory or regulatory authority. On or before January 31, 2025, the Agency shall present to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy a written report or oral testimony on the status of the review required under this section, including potential recommended statutory or regulatory changes.

Second: By striking out Sec. 44 in its entirety and inserting in lieu thereof the following:

Sec. 44. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that Secs. 1 (24 V.S.A. § 4414), 2 (24 V.S.A. § 4412) except for subdivision (1)(D), and 3 (24 V.S.A. § 4413), shall take effect on December 1, 2024. Sec. 2, 24 V.S.A. § 4412, subdivision (1)(D) shall take effect on July 1, 2023.

(Committee Vote: 11-0-0)

For Informational Purposes

NOTICE OF JFO GRANTS AND POSITIONS

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

JFO #3146: \$737,685.00 to the Vermont Department of Corrections from the U.S. Department of Justice. This grant was awarded to Vermont State Colleges who will sub-grant to the VT Department of Corrections. This grant includes two (2) limited-service positions, Post-Secondary Program Coordinators, to engage Vermont's correctional facility staff in post-secondary educational opportunities and improved employment opportunities, both within and without the Department and State government. Positions are fully funded through 8/31/2025 with a potential one-year extension. *[Received April 3, 2023]*

JFO #3145: \$250,000.00 to the Vermont Agency of Human Services Department of Mental Health from the National Association of State Mental Health Program Directors. Funds will support direct services to be provided to the public through the Crisis Assistance Helping Out on the Street (CAHOOTS) program. The VT Department of Health will collaborate with the City of Burlington, Burlington Police Department and local area health providers to support this pilot. The goal is to establish a trauma-informed approach that will only utilize system components that are necessary for individual situations. *[Received April 3, 2023]*

JFO #3144: \$173,973.00 to the Vermont Attorney General's Office from the Vermont Network Against Domestic and Sexual Violence. The Firearm Technical Assistant Project serves to improve Vermont's statewide responses to the intersection of firearms and domestic violence. The Attorney General's office will lead the management team and provide project oversight including communication with the project partners: Vermont Network, Defender General's Office, Vermont State Police, Vermont Judiciary, Disability Rights Vermont, AALV-VT and the Abenaki Nation. *[Received April 3, 2023]*

JFO #3143: \$514,694.00 to the Agency of Human Services, Department of Vermont Health Access from the DHHS/ONC via Passthrough from the Association of State and Territorial Health Officials. Funds will be used to support Vermont's participation in the COVID-19 Immunization Data Exchange, Advancement and Sharing learning community with the aim of advancing immunization information and health information exchange sharing. *[Received March 23, 2023]*

JFO #3142: \$15,000.00 to Agency of Natural Resources, Department of Environmental Conservation from the Maine Geological Society. Funds will be used to identify contradictions in mapped geological formations across state lines in New England. *[Received March 23, 2023]*

JFO #3141: Donation of Alexander Twilight portrait, commissioned from artist Katie Runde to the Vermont State Curator's Office from the Friends of the Vermont State House. The donation is valued at \$32,923.27. Twilight was the first person of African descent to be elected to a state legislature and served one term in Vermont. The portrait is currently displayed in the main lobby of the Vermont State House. *[Received March 23, 2023]*

JFO #3140: \$241,208.00 to Building and General Services, Vermont State Curator's Office from the Institute of Museum and Library Services. The FY2020 Save America's Treasures grant will restore and conserve Sculpture on the Highway, an outdoor collection of sixteen monumental marble and concrete sculptures created at two international sculpture symposia held in Vermont during the summers of 1968 and 1971. *[Received March 23, 2023]*

JFO #3139: \$644,469.00 to the Vermont Judiciary, Court Administrator's Office from the U.S. Department of Justice. The grant will support the VT Judiciary Commission on Mental Health, established in July 2022. The Commission is focused on addressing the needs of court-involved individuals with behavioral health issues. Funds will help develop training activities and materials for VT Judiciary staff. *[Received March 22, 2023]*

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

JFO #3137: One (1) limited-service position to the Vermont Department of Health, Senior Health Asbestos and Lead Engineer, to perform senior professional level work to educate, advise on and enforce Vermont asbestos and lead control regulations. The position is funded through 9/30/2024

through an existing Environmental Protection Agency grant. The grant packet can be found at: <https://ljfo.vermont.gov/assets/grants-documents/a44b7c8cac/JFO-3137-packet-v2.pdf>
[Received 1/23/2023]

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