

Journal of the House

Friday, May 12, 2023

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

Devotional Exercises

Devotional exercises were conducted by Rep. Tristan Roberts of Halifax.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

Ziva Baker of Westford
Adelle Danilchick of Killington
Phoebe Donn of Kirby
Gracie Heine of Northfield
Cabot Spatz of Shrewsbury
Emmett H. Stowell of Montpelier
Eli R. Welch of Guilford

Message from the Senate No. 59

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

Madam Speaker:

I am directed to inform the House that:

The Senate has considered bills originating in the House of the following titles:

H. 217. An act relating to miscellaneous workers' compensation amendments.

H. 471. An act relating to technical and administrative changes to Vermont's tax laws.

H. 480. An act relating to property valuation and reappraisals.

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

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 138. An act relating to school safety.

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

The Senate has considered House proposals of amendment to Senate proposals of amendment to House bills of the following titles:

H. 470. An act relating to miscellaneous amendments to alcoholic beverage laws.

H. 493. An act relating to capital construction and State bonding.

And has concurred therein.

Motion to Relieve Committee of Consideration

S. 45

Rep. Harrison of Chittenden moved that the Committee on Ways and Means be relieved of Senate bill, entitled

An act relating to an elective pass-through entity income tax and credit

Which was disagreed to.

Rules Suspended, Immediate Consideration; Second Reading; Proposal of Amendment Agreed to; Third Reading Ordered; Rules Suspended, All Remaining Stages of Passage; Third Reading; Bill Passed in Concurrence with Proposal of Amendment; Rules Suspended, House Actions Messaged to Senate Forthwith

S. 133

On motion of **Rep. McCoy of Poultney**, the rules were suspended and Senate bill, entitled

An act relating to miscellaneous changes to education law

Appearing on the Notice Calendar, was taken up for immediate consideration.

Rep. Conlon of Cornwall, for the Committee on Education, to which had been referred the Senate bill, recommended 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. ANR REPORT ON PCB TESTING IN SCHOOLS; FUNDING

(a) On or before January 15, 2024, the Secretary of Natural Resources, after consultation with the Secretary of Education and the Commissioner of Health, shall submit to the House Committees on Education, on Human

Services, on Ways and Means, and on Appropriations and the Senate Committees on Education, on Health and Welfare, on Finance, and on Appropriations a status report and plan for the testing, remediation, and removal of polychlorinated biphenyls (PCBs) in schools. The report shall include all of the following:

(1) A summary of schools that the Agency of Natural Resources has tested as of January 1, 2024, the testing results, and a summary of the completed, ongoing, or planned remediation or removal, including the actual costs of testing and the actual costs or cost estimates of remediation or removal.

(2) An updated, detailed estimate of the cost to test for PCB contamination in schools, including a timeline for completion of testing for PCBs in schools.

(3) A new detailed estimate of the cost of future remediation or removal of PCB contamination in schools based on completed remediation or removal and ongoing or scheduled remediation or removal.

(4) A detailed recommendation of how PCB remediation or removal should be funded for public schools, and the recommended revenue sources for that funding.

(5) A detailed recommendation of how remediation or removal of PCB contamination in independent schools, including independent schools in leased or rented spaces, should be funded from sources other than the Education Fund and the recommended revenue sources for the funding of remediation or removal in independent schools.

(6) A plan for how the Agency of Natural Resources and the Agency of Education shall work with schools to find adequate, alternative educational space if PCB testing, remediation, or removal at a school facility requires interruption of school programs or relocation of students.

(7) A survey of school officials whose schools have been tested and have exceeded the State action levels for PCBs. The survey shall solicit the input of the school official on the quality or sufficiency of the State response in providing technical, public relations, and financial assistance to schools.

(8) A detailed proposal for expanding the PCB testing program to child care programs regulated under 33 V.S.A. chapter 35, including a screening level for children under one year of age, estimated costs of testing and remediation, possible sources of revenues to pay for testing and remediation costs, and proposed contingency plans for providing alternate child care services if PCB testing of child care programs requires interruption or relocation of services.

(b) As used in this section:

(1) “Independent school” has the same meaning as in 16 V.S.A. § 11.

(2) “Public school” has the same meaning as in 16 V.S.A. § 11.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

Thereupon, the bill was read the second time, the report of the Committee on Education agreed to, and third reading was ordered.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was placed in all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment.

Thereupon, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended, Immediate Consideration;
Senate Proposal of Amendment Concurred in**

H. 227

Appearing on the Notice Calendar, on motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to the Vermont Uniform Power of Attorney Act

Was taken up for immediate consideration.

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

Sec. 1. 14 V.S.A. chapter 127 is added to read:

CHAPTER 127. VERMONT UNIFORM POWER OF ATTORNEY ACT

Subchapter 1. General Provisions

§ 4001. SHORT TITLE

This chapter may be cited as the Vermont Uniform Power of Attorney Act.

§ 4002. DEFINITIONS

As used in this chapter:

(1) “Agent” means a person granted authority to act for a principal under a power of attorney, whether denominated an agent, attorney-in-fact, or otherwise. The term includes an original agent, coagent, successor agent, and a person to which an agent’s authority is delegated.

(2) “Durable,” with respect to a power of attorney, means not terminated by the principal’s incapacity or unavailability.

(3) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(4) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(5) “General power of attorney” means a power of attorney that is not limited by its terms to a specified transaction or series of transactions, to a specific purpose, or to a specific asset or set of assets, or a power of attorney that grants an agent the authority to do any one or more of the acts described in subsection 4031(e) of this title.

(6) “Good faith” means honesty in fact.

(7)(A) “Incapacity” means the inability of an individual to manage property or business affairs because the individual has an impairment in the ability to receive and evaluate information or make or communicate decisions even with the use of technological assistance.

(B) “Unavailability” means the inability of an individual to manage property or business affairs because the individual is:

(i) missing;

(ii) detained, including incarcerated in a penal system; or

(iii) outside the United States and unable to return.

(8) “Person” means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; public corporation; government or governmental subdivision, agency, or instrumentality; or any other legal or commercial entity.

(9) “Power of attorney” means a writing or other record that grants authority to an agent to act in the place of the principal, whether or not the term power of attorney is used.

(10) “Presently exercisable general power of appointment,” with respect to property or a property interest subject to a power of appointment, means power exercisable at the time in question to vest absolute ownership in the principal individually, the principal’s estate, the principal’s creditors, or the creditors of the principal’s estate. The term includes a power of appointment not exercisable until the occurrence of a specified event, the satisfaction of an ascertainable standard, or the passage of a specified period only after the occurrence of the specified event, the satisfaction of the ascertainable standard,

or the passage of the specified period. The term does not include a power exercisable in a fiduciary capacity or only by will.

(11) “Principal” means an individual who grants authority to an agent in a power of attorney.

(12) “Property” means anything that may be the subject of ownership, whether real or personal, or legal or equitable, or any interest or right therein.

(13) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(14) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic sound, symbol, or process.

(15) “State” means a state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(16) “Stocks and bonds” means stocks, bonds, mutual funds, and all other types of securities and financial instruments, whether held directly, indirectly, or in any other manner. The term does not include commodity futures contracts and call or put options on stocks or stock indexes.

§ 4003. APPLICABILITY

This chapter applies to all powers of attorney except:

(1) a power to the extent it is coupled with an interest in the subject of the power, including a power given to or for the benefit of a creditor in connection with a credit transaction;

(2) a power to make health-care decisions;

(3) a proxy or other delegation to exercise voting rights or management rights with respect to an entity;

(4) a power created on a form prescribed by a government or governmental subdivision, agency, or instrumentality for a governmental purpose; and

(5) a power of reciprocal insurers under 8 V.S.A. § 4838.

§ 4004. POWER OF ATTORNEY IS DURABLE

A power of attorney created under this chapter is durable unless it expressly provides that it is terminated by the incapacity or unavailability of the

principal.

§ 4005. EXECUTION OF POWER OF ATTORNEY

A power of attorney shall be signed by the principal or in the principal's conscious presence by another individual directed by the principal to sign the principal's name on the power of attorney. A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.

§ 4006. VALIDITY OF POWER OF ATTORNEY

(a) A power of attorney executed in this State on or after July 1, 2023 is valid if its execution complies with section 4005 of this title.

(b) A power of attorney executed in this State before July 1, 2023 is valid if its execution complied with the law of this State as it existed at the time of execution.

(c) A power of attorney executed other than in this State is valid in this State if, when the power of attorney was executed, the execution complied with:

(1) the law of the jurisdiction that determines the meaning and effect of the power of attorney pursuant to section 4007 of this title; or

(2) the requirements for a military power of attorney pursuant to 10 U.S.C. § 1044b, as amended.

(d) Except as otherwise provided by statute other than this chapter, a photocopy or electronically transmitted copy of an original power of attorney has the same effect as the original.

(e) Except as otherwise provided by statute other than this chapter, a power of attorney that complies with this chapter is valid.

§ 4007. MEANING AND EFFECT OF POWER OF ATTORNEY

The meaning and effect of a power of attorney is determined by the law of the jurisdiction indicated in the power of attorney and, in the absence of an indication of jurisdiction, by the law of the jurisdiction in which the power of attorney was executed.

§ 4008. NOMINATION OF GUARDIAN; RELATION OF AGENT TO COURT-APPOINTED FIDUCIARY

(a) In a power of attorney, a principal may nominate a guardian of the principal's estate or a guardian of the principal's person for consideration by the court if protective proceedings for the principal's estate or person are begun after the principal executes the power of attorney. Except for good

cause shown or disqualification, the court shall make its appointment in accordance with the principal's most recent nomination.

(b) If, after a principal executes a power of attorney, a court appoints a guardian of the principal's estate or other fiduciary charged with the management of some or all of the principal's property, the agent is accountable to the fiduciary as well as to the principal. The power of attorney is not terminated, and the agent's authority continues unless limited, suspended, or terminated by the court.

§ 4009. WHEN POWER OF ATTORNEY EFFECTIVE

(a) A power of attorney is effective when executed unless the principal provides in the power of attorney that it becomes effective at a future date or upon the occurrence of a future event or contingency.

(b) If a power of attorney becomes effective upon the occurrence of a future event or contingency, the principal, in the power of attorney, may authorize one or more persons to determine in a writing or other record that the event or contingency has occurred.

(c) If a power of attorney becomes effective upon the principal's incapacity or unavailability and the principal has not authorized a person to determine whether the principal is incapacitated or unavailable, or the person authorized is unable or unwilling to make the determination, the power of attorney becomes effective upon a determination in a writing or other record by:

(1) a licensed health care professional working within the professional's scope of practice, including a physician licensed pursuant to 26 V.S.A. chapter 23 or 33 and a psychologist licensed pursuant to 26 V.S.A. chapter 55, that the principal is incapacitated within the meaning of subdivision 4002(7)(A) of this chapter; or

(2) an attorney at law, a judge, or an appropriate governmental official that the principal is unavailable within the meaning of 4002(7)(B) of this chapter.

(d) A person authorized by the principal in the power of attorney to determine that the principal is incapacitated or unavailable may act as the principal's personal representative pursuant to the Health Insurance Portability and Accountability Act; Sections 1171 through 1179 of the Social Security Act; 42 U.S.C. § 1320d, as amended; and applicable regulations to obtain access to the principal's health-care information and communicate with the principal's health-care provider.

§ 4010. TERMINATION OF POWER OF ATTORNEY OR AGENT'S
AUTHORITY

(a) A power of attorney terminates when:

- (1) the principal dies;
- (2) the principal becomes incapacitated or unavailable, if the power of attorney is not durable;
- (3) the principal revokes the power of attorney;
- (4) the power of attorney provides that it terminates;
- (5) the purpose of the power of attorney is accomplished; or
- (6) the principal revokes the agent's authority or the agent dies, becomes incapacitated or unavailable, or resigns, and the power of attorney does not provide for another agent to act under the power of attorney.

(b) An agent's authority terminates when:

- (1) the principal revokes the authority;
- (2) the agent dies, becomes incapacitated or unavailable, or resigns;
- (3) a petition for divorce, annulment, separation, or a decree of nullity is filed with respect to the agent's marriage to the principal, unless the power of attorney otherwise provides; or
- (4) the power of attorney terminates.

(c) Unless the power of attorney otherwise provides, an agent's authority is exercisable until the authority terminates under subsection (b) of this section, notwithstanding a lapse of time since the execution of the power of attorney.

(d) Termination of an agent's authority or of a power of attorney is not effective as to the agent or another person that, without actual knowledge of the termination, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

(e) Incapacity or unavailability of the principal of a power of attorney that is not durable does not revoke or terminate the power of attorney as to an agent or other person that, without actual knowledge of the incapacity or unavailability, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

(f) The execution of a power of attorney does not revoke a power of attorney previously executed by the principal unless the subsequent power of

attorney provides that the previous power of attorney is revoked or that all other powers of attorney are revoked.

(g) The principal of a power of attorney may not revoke the power of attorney if the principal has been determined to be incapacitated.

§ 4011. CO-AGENTS AND SUCCESSOR AGENTS

(a) A principal may designate two or more persons to act as co-agents. Unless the power of attorney otherwise provides, each co-agent may exercise its authority independently.

(b) A principal may designate one or more successor agents to act if an agent resigns, dies, becomes incapacitated or unavailable, is not qualified to serve, or declines to serve. A principal may grant authority to designate one or more successor agents to an agent or other person designated by name, office, or function. Unless the power of attorney otherwise provides, a successor agent:

(1) has the same authority as that granted to the original agent; and

(2) may not act until all predecessor agents have resigned, died, become incapacitated or unavailable, are no longer qualified to serve, or have declined to serve.

(c) Except as otherwise provided in the power of attorney and subsection (d) of this section, an agent who does not participate in or conceal a breach of fiduciary duty committed by another agent, including a predecessor agent, is not liable for the actions of the other agent.

(d) An agent who has actual knowledge of a breach or imminent breach of fiduciary duty by another agent shall notify the principal and, if the principal is incapacitated or unavailable, take any action reasonably appropriate in the circumstances to safeguard the principal's best interests. An agent who fails to notify the principal or take action as required by this subsection is liable for the reasonably foreseeable damages that could have been avoided if the agent had notified the principal or taken such action.

§ 4012. REIMBURSEMENT AND COMPENSATION OF AGENT

Unless the power of attorney otherwise provides, an agent is entitled to reimbursement of expenses reasonably incurred on behalf of the principal and to compensation that is reasonable under the circumstances.

§ 4013. AGENT'S ACCEPTANCE

Except as otherwise provided in the power of attorney, a person accepts appointment as an agent under a power of attorney by exercising authority or performing duties as an agent or by any other assertion or conduct indicating

acceptance.

§ 4014. AGENT'S DUTIES

(a) Notwithstanding provisions in the power of attorney, an agent who has accepted appointment shall:

(1) act in accordance with the principal's reasonable expectations to the extent actually known by the agent and otherwise in the principal's best interests;

(2) act in good faith; and

(3) act only within the scope of authority granted in the power of attorney.

(b) Except as otherwise provided in the power of attorney or other provision of this chapter, an agent that has accepted appointment shall have no further obligation to act under the power of attorney. However, with respect to any action taken by the agent under the power of attorney, the agent shall:

(1) act loyally for the principal's benefit;

(2) act so as not to create a conflict of interest that impairs the agent's ability to act impartially in the principal's best interests;

(3) act with the care, competence, and diligence ordinarily exercised by agents in similar circumstances;

(4) keep a record of all receipts, disbursements, and transactions made on behalf of the principal;

(5) cooperate with a person who has authority to make health-care decisions for the principal to carry out the principal's reasonable expectations to the extent actually known by the agent and otherwise act in the principal's best interests; and

(6) attempt to preserve the principal's estate plan, to the extent actually known by the agent, if preserving the plan is consistent with the principal's best interests based on all relevant factors, including:

(A) the value and nature of the principal's property;

(B) the principal's foreseeable obligations and need for maintenance;

(C) minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes; and

(D) eligibility for a benefit, a program, or assistance under a statute or regulation.

(c) An agent who acts in good faith is not liable to any beneficiary of the principal's estate plan for failure to preserve the plan.

(d) An agent who acts with care, competence, and diligence for the best interests of the principal is not liable solely because the agent also benefits from the act or has an individual or conflicting interest in relation to the property or affairs of the principal.

(e) If an agent is selected by the principal because of special skills or expertise possessed by the agent or in reliance on the agent's representation that the agent has special skills or expertise, the special skills or expertise must be considered in determining whether the agent has acted with care, competence, and diligence under the circumstances.

(f) Absent a breach of duty to the principal, an agent is not liable if the value of the principal's property declines.

(g) An agent who exercises authority to delegate to another person the authority granted by the principal or who engages another person on behalf of the principal is not liable for an act, error of judgment, or default of that person if the agent exercises care, competence, and diligence in selecting and monitoring the person.

(h) Except as otherwise provided in the power of attorney, an agent is not required to disclose receipts, disbursements, or transactions conducted on behalf of the principal unless ordered by a court or requested by the principal, a guardian, a conservator, another fiduciary acting for the principal, a governmental agency having authority to protect the welfare of the principal, or, upon the death of the principal, by the personal representative or successor in interest of the principal's estate. If so requested, within 30 days the agent shall comply with the request or provide a writing or other record substantiating why additional time is needed and shall comply with the request within an additional 30 days.

§ 4015. EXONERATION OF AGENT

A provision in a power of attorney relieving an agent of liability for breach of duty is binding on the principal and the principal's successors in interest except to the extent the provision:

(1) relieves the agent of liability for breach of duty committed:

(A) dishonestly;

(B) in bad faith;

(C) with reckless indifference to the purposes of the power of attorney;

(D) through willful misconduct;

(E) through gross negligence; or

(F) with actual fraud; or

(2) was inserted as a result of an abuse of a confidential or fiduciary relationship with the principal.

§ 4016. JUDICIAL RELIEF

(a) The following persons may petition a court to construe a power of attorney or review the agent's conduct and grant appropriate relief:

(1) the principal or the agent;

(2) a guardian or other fiduciary acting for the principal, including an executor or administrator of the estate of a deceased principal;

(3) a person authorized to make health-care decisions for the principal;

(4) the principal's spouse, parent, or descendant;

(5) an individual who would qualify as an heir of the principal under the laws of intestacy;

(6) a person named as a beneficiary to receive any property, benefit, or contractual right on the principal's death or as a beneficiary of a trust created by or for the principal who has a financial interest in the principal's estate;

(7) a governmental agency having regulatory authority to protect the welfare of the principal;

(8) the principal's caregiver or another person who demonstrates sufficient interest in the principal's welfare; and

(9) a person asked to accept the power of attorney.

(b) Upon motion by the principal, the court shall dismiss a petition filed under this section, unless the court finds that the principal lacks capacity to revoke the agent's authority or the power of attorney.

§ 4017. AGENT'S LIABILITY

An agent who violates this chapter is liable to the principal or the principal's successors in interest for the amount required to:

(1) restore the value of the principal's property to what it would have been had the violation not occurred;

(2) reimburse the principal or the principal's successors in interest for the attorney's fees and costs paid on the agent's behalf;

(3) reimburse the reasonable attorney's fees and costs incurred by the principal or the principal's successor in interest in pursuing rectification of the violation by the agent; and

(4) pay such other amounts, damages, costs, or expenses that the court may award.

§ 4018. AGENT'S RESIGNATION; NOTICE

Unless the power of attorney provides a different method for an agent's resignation, an agent may resign by giving written notice to the principal and, if the principal is incapacitated or unavailable:

(1) to the guardian, if one has been appointed for the principal, and a coagent or successor agent; or

(2) if there is no person described in subdivision (1) of this section, to:

(A) the principal's caregiver;

(B) another person reasonably believed by the agent to have sufficient interest in the principal's welfare; or

(C) a governmental agency having authority to protect the welfare of the principal.

§ 4019. ACCEPTANCE OF AND RELIANCE UPON ACKNOWLEDGED POWER OF ATTORNEY

(a) As used in this section and section 4020 of this title, "acknowledged" means purportedly verified before a notary public or other individual authorized to take acknowledgements.

(b) A person who in good faith accepts an acknowledged power of attorney without actual knowledge that the signature is not genuine may rely upon the presumption under section 4005 of this title that the signature is genuine.

(c) A person who effects a transaction in reliance upon an acknowledged power of attorney without actual knowledge that the power of attorney is void, invalid, or terminated; that the purported agent's authority is void, invalid, or terminated; or that the agent is exceeding or improperly exercising the agent's authority may rely upon the power of attorney as if the power of attorney were genuine, valid, and still in effect; the agent's authority were genuine, valid, and still in effect; and the agent had not exceeded and has properly exercised the authority.

(d) A person who is asked to accept an acknowledged power of attorney may request and rely upon, without further investigation:

(1) an agent's certification under penalty of perjury of any factual matter concerning the principal, agent, or power of attorney; or

(2) an English translation of the power of attorney if the power of attorney contains, in whole or in part, language other than English; and

(3) an opinion of counsel as to any matter of law concerning the power of attorney if the person making the request provides in a writing or other record the reason for the request.

(e) A certification presented pursuant to subsection (d) of this section shall state that:

(1) the person presenting themselves as the agent and signing the affidavit or declaration is the person so named in the power of attorney;

(2) if the agent is named in the power of attorney as a successor agent, the circumstances or conditions stated in the power of attorney that would cause that person to become the acting agent have occurred;

(3) to the best of the agent's knowledge, the principal is still alive;

(4) to the best of the agent's knowledge, at the time the power of attorney was signed, the principal was competent to execute the document and was not under undue influence to sign the document;

(5) all events necessary to making the power of attorney effective have occurred;

(6) the agent does not have actual knowledge of the revocation, termination, limitation, or modification of the power of attorney or of the agent's authority;

(7) if the agent was married to or in a state-registered domestic partnership with the principal at the time of execution of the power of attorney, then at the time of signing the affidavit or declaration, the marriage or state-registered domestic partnership of the principal and the agent has not been dissolved or declared invalid, and no action is pending for the dissolution of the marriage or domestic partnership for legal separation; and

(8) the agent is acting in good faith pursuant to the authority given under the power of attorney.

(f) An English translation or an opinion of counsel requested under this section must be provided at the principal's expense unless the request is made more than seven business days after the power of attorney is presented for acceptance.

(g) For purposes of this section and section 4020 of this title, a person who conducts activities through employees is without actual knowledge of a fact relating to a power of attorney, a principal, or an agent if the employee conducting the transaction involving the power of attorney is without actual knowledge of the fact.

§ 4020. LIABILITY FOR REFUSAL TO ACCEPT ACKNOWLEDGED
STATUTORY FORM POWER OF ATTORNEY

(a) As used in this section, “statutory form power of attorney” means a power of attorney substantially in the form provided in section 4051 or 4052 of this title or that meets the requirements for a military power of attorney pursuant to 10 U.S.C. § 1044b, as amended.

(b) Except as otherwise provided in subsection (c) of this section:

(1) a person shall either accept an acknowledged statutory form power of attorney or request a certification, a translation, or an opinion of counsel under subsection 4019(d) of this title not later than seven business days after presentation of the power of attorney for acceptance;

(2) if a person requests a certification, a translation, or an opinion of counsel under subsection 4019(d) of this title, the person shall accept the statutory form power of attorney not later than five business days after receipt of the certification, translation, or opinion of counsel; and

(3) a person may not require an additional or different form of power of attorney for authority granted in the statutory form power of attorney presented.

(c) A person is not required to accept an acknowledged statutory form power of attorney if:

(1) the person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(2) engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal or state law;

(3) the person has actual knowledge of the termination of the agent’s authority or of the power of attorney before exercise of the power;

(4) a request for a certification, a translation, or an opinion of counsel under subsection 4019(d) of this title is refused;

(5) the person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification, a translation, or an opinion of counsel under subsection 4019(d) of this title has been requested or provided; or

(6) the person makes, or has actual knowledge that another person has made, a report to the Adult Protective Services program or other appropriate entity within the Department of Disabilities, Aging, and Independent Living or to a law enforcement agency stating a good faith belief that the principal may be subject to physical or financial abuse, neglect, exploitation, or abandonment by the agent or a person acting for or with the agent.

(d) A person who refuses in violation of this section to accept an acknowledged statutory form power of attorney is subject to:

(1) a court order mandating acceptance of the power of attorney; and

(2) liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

§ 4021. PRINCIPLES OF LAW AND EQUITY

Unless displaced by a provision of this chapter, the principles of law and equity supplement this chapter.

§ 4022. LAWS APPLICABLE TO FINANCIAL INSTITUTIONS AND ENTITIES

This chapter does not supersede any other law applicable to financial institutions or other entities, and the other law controls if inconsistent with this chapter.

§ 4023. REMEDIES UNDER OTHER LAW

The remedies under this chapter are not exclusive and do not abrogate any right or remedy under the law of this State other than this chapter.

Subchapter 2. Authority

§ 4031. AUTHORITY THAT REQUIRES SPECIFIC GRANT; GRANT OF GENERAL AUTHORITY

(a) An agent under a power of attorney may do the following on behalf of the principal or with the principal's property only if the power of attorney expressly grants the agent the authority and exercise of the authority is not otherwise prohibited by another agreement or instrument to which the authority or property is subject:

(1) create, amend, revoke, or terminate an inter vivos trust;

(2) make a gift;

(3) create or change rights of survivorship;

(4) create or change a beneficiary designation;

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- (5) delegate authority granted under the power of attorney;
- (6) waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;
- (7) authorize another person to exercise the authority granted under the power of attorney;
- (8) exercise authority over the content of an electronic communication of the principal in accordance with chapter 125 of this title (Vermont Revised Uniform Fiduciary Access to Digital Assets Act);
- (9) disclaim property, including a power of appointment;
- (10) exercise a written waiver of spousal rights under section 323 of this title;
- (11) exercise authority with respect to intellectual property, including copyrights, contracts for payment of royalties, and trademarks; or
- (12) convey, or revoke or revise a grantee designation, by enhanced life estate deed pursuant to chapter 6 of Title 27 or under common law.
- (b) Notwithstanding a grant of authority to do an act described in subsection (a) of this section, unless the power of attorney otherwise provides, an agent that is not an ancestor, spouse, or descendant of the principal may not exercise authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise.
- (c) Subject to subsections (a), (b), (d), and (e) of this section, if a power of attorney grants to an agent authority to do all acts that a principal could do, the agent has the general authority described in sections 4034–4046 of this title.
- (d) Unless the power of attorney otherwise provides, a grant of authority to make a gift is subject to section 4047 of this title.
- (e) Subject to subsections (a), (b), and (d) of this section, if the subjects over which authority is granted in a power of attorney are similar or overlap, the broadest authority controls.
- (f) Authority granted in a power of attorney is exercisable with respect to property that the principal has when the power of attorney is executed or acquires later, whether or not the property is located in this State and whether or not the authority is exercised or the power of attorney is executed in this State.

(g) An act performed by an agent pursuant to a power of attorney has the same effect and inures to the benefit of and binds the principal and the principal's successors in interest as if the principal had performed the act.

§ 4032. INCORPORATION OF AUTHORITY

(a) An agent has authority described in this chapter if the power of attorney refers to general authority with respect to the descriptive term for the subjects stated in sections 4034–4047 of this title or cites the section in which the authority is described.

(b) A reference in a power of attorney to general authority with respect to the descriptive term for a subject in sections 4034–4047 of this title or a citation to a section of sections 4034–4047 of this title incorporates the entire section as if it were set out in full in the power of attorney.

(c) A principal may modify authority or a writing or other record incorporated by reference.

§ 4033. CONSTRUCTION OF AUTHORITY GENERALLY

Except as otherwise provided in the power of attorney, by executing a power of attorney that incorporates by reference a subject described in sections 4034–4047 of this title or that grants to an agent authority to do all acts that a principal could do pursuant to subsection 4031(c) of this title, a principal authorizes the agent, with respect to that subject, to:

(1) demand, receive, and obtain by litigation or otherwise, money or another thing of value to which the principal is, may become, or claims to be entitled, and conserve, invest, disburse, or use anything so received or obtained for the purposes intended;

(2) contract in any manner with any person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;

(3) execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including creating at any time a schedule listing some or all of the principal's property and attaching it to the power of attorney;

(4) initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(5) seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in the power of attorney;

(6) engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other advisor;

(7) prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation;

(8) communicate with any representative or employee of a government or governmental subdivision, agency, or instrumentality on behalf of the principal;

(9) access communications intended for and communicate on behalf of the principal, whether by mail, electronic transmission, telephone, or other means; and

(10) do any lawful act with respect to the subject and all property related to the subject.

§ 4034. REAL PROPERTY

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to real property authorizes the agent to:

(1) demand, buy, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property;

(2) sell; exchange; convey, with or without covenants, representations, or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; contribute to an entity in exchange for an interest in that entity; or otherwise grant or dispose of an interest in real property or a right incident to real property;

(3) pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(4) release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted;

(5) manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:

(A) insuring against liability or casualty or other loss;

(B) obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;

(C) paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and

(D) purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property;

(6) use, develop, alter, replace, remove, erect, or install structures or other improvements upon real property in or incident to which the principal has, or claims to have, an interest or right;

(7) participate in a reorganization with respect to real property or an entity that owns an interest in or right incident to real property and receive, and hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including:

(A) selling or otherwise disposing of them;

(B) exercising or selling an option, right of conversion, or similar right with respect to them; and

(C) exercising any voting rights in person or by proxy;

(8) change the form of title of an interest in or right incident to real property;

(9) dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest; and

(10) relinquish any and all of the principal's rights of homestead under 27 V.S.A. § 105 and elective share under section 323 of this title.

§ 4035. TANGIBLE PERSONAL PROPERTY

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to tangible personal property authorizes the agent to:

(1) demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property;

(2) sell, exchange, or convey, with or without covenants, representations, or warranties; quitclaim; release; surrender; create a security interest in; grant options concerning; lease; sublease; or otherwise dispose of tangible personal property or an interest in tangible personal property;

(3) grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(4) release, assign, satisfy, or enforce by litigation or otherwise a security interest, lien, or other claim on behalf of the principal with respect to tangible personal property or an interest in tangible personal property;

(5) manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including:

(A) insuring against liability or casualty or other loss;

(B) obtaining or regaining possession of or protecting the property or interest, by litigation or otherwise;

(C) paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments;

(D) moving the property from place to place;

(E) storing the property for hire or on a gratuitous bailment; and

(F) using and making repairs, alterations, or improvements to the property; and

(6) change the form of title of an interest in tangible personal property.

§ 4036. STOCKS AND BONDS

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to stocks and bonds authorizes the agent to:

(1) buy, sell, and exchange stocks and bonds;

(2) establish, continue, modify, or terminate an account with respect to stocks and bonds;

(3) pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal;

(4) receive certificates and other evidences of ownership with respect to stocks and bonds; and

(5) exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote.

§ 4037. COMMODITIES AND OPTIONS

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to commodities and options authorizes the agent to:

(1) buy, sell, exchange, assign, settle, and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange; and

(2) establish, continue, modify, and terminate option accounts.

§ 4038. BANKS AND OTHER FINANCIAL INSTITUTIONS

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to banks and other financial institutions authorizes the agent to:

(1) continue, modify, and terminate an account or other banking arrangement made by or on behalf of the principal;

(2) establish, modify, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent;

(3) contract for services available from a financial institution, including renting a safe deposit box or space in a vault;

(4) withdraw, by check, order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution;

(5) receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them;

(6) enter a safe deposit box or vault and withdraw or add to the contents;

(7) borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(8) make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order; transfer money; receive the cash or other proceeds of those transactions; and accept a draft drawn by a person upon the principal and pay it when due;

(9) receive for the principal and act upon a sight draft, warehouse receipt, or other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument;

(10) apply for, receive, and use letters of credit, credit and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit; and

(11) consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution.

§ 4039. OPERATION OF ENTITY OR BUSINESS

Subject to the terms of a document or an agreement governing an entity or an entity ownership interest, and unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to operation of an entity or business authorizes the agent to:

(1) operate, buy, sell, enlarge, reduce, or terminate an ownership interest;

(2) perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege, or option that the principal has, may have, or claims to have;

(3) enforce the terms of an ownership agreement;

(4) initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party because of an ownership interest;

(5) exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option the principal has or claims to have as the holder of stocks and bonds;

(6) initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party concerning stocks and bonds;

(7) with respect to an entity or business owned solely by the principal:

(A) continue, modify, renegotiate, extend, and terminate a contract made by or on behalf of the principal with respect to the entity or business before execution of the power of attorney;

(B) determine:

(i) the location of its operation;

(ii) the nature and extent of its business;

(iii) the methods of manufacturing, selling, merchandising, financing, accounting, and advertising employed in its operation;

(iv) the amount and types of insurance carried; and

(v) the mode of engaging, compensating, and dealing with its employees and accountants, attorneys, or other advisors;

(C) change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and

(D) demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business;

(8) put additional capital into an entity or business in which the principal has an interest;

(9) join in a plan of reorganization, consolidation, conversion, domestication, or merger of the entity or business;

(10) sell or liquidate all or part of an entity or business;

(11) establish the value of an entity or business under a buy-out agreement to which the principal is a party;

(12) prepare, sign, file, and deliver reports, compilations of information, returns, or other papers with respect to an entity or business and make related payments; and

(13) pay, compromise, or contest taxes, assessments, fines, or penalties and perform any other act to protect the principal from illegal or unnecessary taxation, assessments, fines, or penalties, with respect to an entity or business, including attempts to recover, in any manner permitted by law, money paid before or after the execution of the power of attorney.

§ 4040. INSURANCE AND ANNUITIES

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to insurance and annuities authorizes the agent to:

(1) continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract;

(2) procure new, different, and additional contracts of insurance and annuities for the principal and the principal's spouse, children, and other

dependents and select the amount, type of insurance or annuity, and mode of payment;

(3) pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent;

(4) apply for and receive a loan secured by a contract of insurance or annuity;

(5) surrender and receive the cash surrender value on a contract of insurance or annuity;

(6) exercise an election;

(7) exercise investment powers available under a contract of insurance or annuity;

(8) change the manner of paying premiums on a contract of insurance or annuity;

(9) change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section;

(10) apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal;

(11) collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity;

(12) select the form and timing of the payment of proceeds from a contract of insurance or annuity; and

(13) pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with, a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or its proceeds or liability accruing by reason of the tax or assessment.

§ 4041. ESTATES, TRUSTS, AND OTHER BENEFICIAL INTERESTS

(a) As used in this section, “estate, trust, or other beneficial interest” means a trust, probate estate, guardianship, conservatorship, escrow, or custodianship or a fund from which the principal is, may become, or claims to be entitled to a share or payment.

(b) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to estates, trusts, and other beneficial interests authorizes the agent to:

(1) accept, receive, receipt for, sell, assign, pledge, or exchange a share in or payment from an estate, trust, or other beneficial interest;

(2) demand or obtain money or another thing of value to which the principal is, may become, or claims to be entitled by reason of an estate, trust, or other beneficial interest, by litigation or otherwise;

(3) exercise for the benefit of the principal a presently exercisable general power of appointment held by the principal;

(4) initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to ascertain the meaning, validity, or effect of a deed, will, declaration of trust, or other instrument or transaction affecting the interest of the principal;

(5) initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary;

(6) conserve, invest, disburse, or use anything received for an authorized purpose; and

(7) transfer an interest of the principal in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities, and other property to the trustee of a revocable trust created by the principal as settlor.

§ 4042. CLAIMS AND LITIGATION

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to claims and litigation authorizes the agent to:

(1) assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief;

(2) bring an action to determine adverse claims or intervene or otherwise participate in litigation;

(3) seek an attachment, garnishment, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree;

(4) make or accept a tender, offer of judgment, or admission of facts; submit a controversy on an agreed statement of facts; consent to examination; and bind the principal in litigation;

(5) submit to alternative dispute resolution, settle, and propose or accept a compromise;

(6) waive the issuance and service of process upon the principal; accept service of process; appear for the principal; designate persons upon which process directed to the principal may be served; execute and file or deliver stipulations on the principal's behalf; verify pleadings; seek appellate review; procure and give surety and indemnity bonds; contract and pay for the preparation and printing of records and briefs; and receive, execute, and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation;

(7) act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value;

(8) pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation; and

(9) receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation.

§ 4043. PERSONAL AND FAMILY MAINTENANCE

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to personal and family maintenance authorizes the agent to:

(1) perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse, and the following individuals, whether living when the power of attorney is executed or later born:

(A) other individuals legally entitled to be supported by the principal;
and

(B) the individuals whom the principal has customarily supported or indicated the intent to support;

(2) make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party;

(3) provide living quarters for the individuals described in subdivision (1) of this subsection by:

(A) purchase, lease, or other contract; or

(B) paying the operating costs, including interest, amortization payments, repairs, improvements, and taxes, for premises owned by the principal or occupied by those individuals;

(4) provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for the individuals described in subdivision (1) of this subsection;

(5) pay expenses for necessary health care and custodial care on behalf of the individuals described in subdivision (1) of this subsection;

(6) act as the principal's personal representative pursuant to the Health Insurance Portability and Accountability Act; Sections 1171–1179 of the Social Security Act; 42 U.S.C. § 1320d, as amended; and applicable regulations in making decisions related to the past, present, or future payment for the provision of health care consented to by the principal or anyone authorized under the law of this State to consent to health care on behalf of the principal;

(7) continue any provision made by the principal for automobiles or other means of transportation, including registering, licensing, insuring, and replacing them, for the individuals described in subdivision (1) of this subsection;

(8) maintain credit and debit accounts for the convenience of the individuals described in subdivision (1) of this subsection and open new accounts; and

(9) continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order, or other organization or to continue contributions to those organizations.

(b) Authority with respect to personal and family maintenance is neither dependent upon, nor limited by, authority that an agent may or may not have with respect to gifts under this chapter.

§ 4044. BENEFITS FROM GOVERNMENTAL PROGRAMS OR CIVIL OR MILITARY SERVICE

(a) As used in this section, "benefits from governmental programs or civil or military service" means any benefit, program, or assistance provided under a statute or regulation, including Social Security, Medicare, Medicaid, and the Department of Veterans Affairs.

(b) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to benefits from governmental programs or civil or military service authorizes the agent to:

(1) execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal, including allowances and reimbursements for transportation of the individuals described in subdivision 4043(a)(1) of this title and for shipment of their household effects;

(2) take possession and order the removal and shipment of property of the principal from a post, warehouse, depot, dock, or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument for that purpose;

(3) enroll in, apply for, select, reject, change, amend, or discontinue, on the principal's behalf, a benefit or program;

(4) prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation;

(5) initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning any benefit or assistance the principal may be entitled to receive under a statute or regulation; and

(6) receive the financial proceeds of a claim described in subdivision (4) of this subsection and conserve, invest, disburse, or use for a lawful purpose anything so received.

§ 4045. RETIREMENT PLANS

(a) As used in this section, "retirement plan" means a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code:

(1) an individual retirement account under Internal Revenue Code § 408, 26 U.S.C. § 408, as amended;

(2) a Roth individual retirement account under Internal Revenue Code § 408A, 26 U.S.C. § 408A, as amended;

(3) a deemed individual retirement account under Internal Revenue Code § 408(q), 26 U.S.C. § 408(q), as amended;

(4) an annuity or mutual fund custodial account under Internal Revenue Code § 403(b), 26 U.S.C. § 403(b), as amended;

(5) a pension, profit-sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code § 401(a), 26 U.S.C. § 401(a), as amended;

(6) a plan under Internal Revenue Code § 457(b), 26 U.S.C. § 457(b), as amended; and

(7) a nonqualified deferred compensation plan under Internal Revenue Code § 409A, 26 U.S.C. § 409A, as amended.

(b) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to retirement plans authorizes the agent to:

(1) select the form and timing of payments under a retirement plan and withdraw benefits from a plan;

(2) make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another;

(3) establish a retirement plan in the principal's name;

(4) make contributions to a retirement plan;

(5) exercise investment powers available under a retirement plan; and

(6) borrow from, sell assets to, or purchase assets from a retirement plan.

§ 4046. TAXES

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to taxes authorizes the agent to:

(1) prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, Federal Insurance Contributions Act, and other tax returns; claims for refunds; requests for extension of time; petitions regarding tax matters; and any other tax-related documents, including receipts; offers; waivers; consents, including consents and agreements under Internal Revenue Code § 2032A, 26 U.S.C. § 2032A, as amended; closing agreements; and any power of attorney required by the Internal Revenue Service or other taxing authority, including an internal revenue service form 2848 in favor of any third party with respect to a tax year upon which the statute of limitations has not run and the following 25 tax years;

(2) pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority;

(3) exercise any election available to the principal under federal, state, local, or foreign tax law; and

(4) act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority.

§ 4047. GIFTS

(a) For purposes of this section, “gift” includes a gift for the benefit of a person, including a gift to a trust, an account under chapter 115 of this title (Vermont Uniform Transfers to Minors Act), and a tuition savings account or prepaid tuition plan as defined under Internal Revenue Code § 529, 26 U.S.C. § 529, as amended.

(b) An agent may make a gift of the principal’s property only as the agent determines is consistent with the principal’s objectives if actually known by the agent or, if unknown, as the agent determines is consistent with the principal’s best interests based on all relevant factors, including:

(1) evidence of the principal’s intent;

(2) the principal’s personal history of making or joining in the making of lifetime gifts;

(3) the principal’s estate plan;

(4) the principal’s foreseeable obligations and maintenance needs and the impact of the proposed gift on the principal’s housing options, access to care and services, and general welfare;

(5) the income, gift, estate, or inheritance tax consequences of the transaction; and

(6) whether the proposed gift creates a foreseeable risk that the principal will be deprived of sufficient assets to cover the principal’s needs during any period of Medicaid ineligibility that would result from the proposed gift.

(c) An agent may make a gift of the principal’s property only as the agent determines is consistent with the principal’s objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal’s best interests based on all relevant factors, including:

(1) the value and nature of the principal’s property;

(2) the principal’s foreseeable obligations and need for maintenance;

(3) minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes;

(4) eligibility for a benefit, a program, or assistance under a statute or regulation; and

(5) the principal's personal history of making or joining in making gifts.

Subchapter 3. Statutory Forms

§ 4051. STATUTORY FORM POWER OF ATTORNEY

A document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by this chapter.

VERMONT STATUTORY FORM POWER OF ATTORNEY
IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127.

This power of attorney does not authorize the agent to make health-care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form does not revoke powers of attorney previously executed by you unless you initial the introductory paragraph under DESIGNATION OF AGENT that all previous powers of attorney are revoked.

This form provides for designation of one agent. If you wish to name more than one agent, you may name a coagent in the Special Instructions. Coagents are not required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

DESIGNATION OF AGENT

I _____ (Name of Principal) () revoke all previous powers of attorney and name the following person as my agent:

Name of Agent: _____

Agent's Address: _____

Agent's Telephone Number: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: _____

Successor Agent's Address: _____

Successor Agent's Telephone Number: _____

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent: _____

Second Successor Agent's Address: _____

Second Successor Agent's Telephone Number: _____

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127.

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects, you may initial "All Preceding Subjects" instead of initialing each subject.)

Real Property

Tangible Personal Property

Stocks and Bonds

Commodities and Options

Banks and Other Financial Institutions

Operation of Entity or Business

Insurance and Annuities

Estates, Trusts, and Other Beneficial Interests

Claims and Litigation

Personal and Family Maintenance

Benefits from Governmental Programs or Civil or Military Service

Retirement Plans

Taxes

All Preceding Subjects

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

An agent who is not an ancestor, spouse, or descendant may exercise authority under this power of attorney to create in the agent or in an individual to whom the agent owes a legal obligation of support an interest in my property whether by gift, rights of survivorship, beneficiary designation, disclaimer, or otherwise

Create, amend, revoke, or terminate an inter vivos, family, living, irrevocable, or revocable trust

Consent to the modification or termination of a noncharitable irrevocable trust under 14A V.S.A. § 411

Make a gift, subject to the limitations of 14 V.S.A. § 4047 (gifts) and any special instructions in this power of attorney

Create, amend, or change rights of survivorship

Create, amend, or change a beneficiary designation

Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan

Exercise fiduciary powers that the principal has authority to delegate

Authorize another person to exercise the authority granted under this power of attorney

Disclaim or refuse an interest in property, including a power of appointment

Exercise authority with respect to elective share under 14 V.S.A. § 319

- Exercise waiver rights under 14 V.S.A. § 323
- Exercise authority over the content and catalogue of electronic communications and digital assets under 14 V.S.A. chapter 125 (Vermont Revised Uniform Fiduciary Access to Digital Assets Act)
- Exercise authority with respect to intellectual property, including, without limitation, copyrights, contracts for payment of royalties, and trademarks
- Convey, or revoke or revise a grantee designation, by enhanced life estate deed pursuant to chapter 6 of Title 27 or under common law.

LIMITATION ON AGENT’S AUTHORITY

An agent who is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

WHEN POWER OF ATTORNEY EFFECTIVE

This power of attorney becomes effective when executed unless the principal has initialed one of the following:

- This power of attorney is effective only upon my later incapacity.

OR

- This power of attorney is effective only upon my later incapacity or unavailability.

OR

- I direct that this power of attorney shall become effective when one or more of the following occurs:

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my estate or a guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for [conservator or guardian] of my estate:

Nominee's Address: _____

Nominee's Telephone Number: _____

Name of Nominee for guardian of my person: _____

Nominee's Address: _____

Nominee's Telephone Number: _____

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid. Unless expressly stated otherwise, this power of attorney is durable and shall remain valid if I become incapacitated or unavailable.

SIGNATURE AND ACKNOWLEDGMENT

Your Name Printed

Your Address

Your Telephone Number

State of _____

County of _____

This document was acknowledged before me on _____ (Date)

by _____.

(Name of Principal)

(Seal, if any)

Signature of Notary _____

My commission expires: _____

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

(1) do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interests;

(2) act in good faith;

(3) do nothing beyond the authority granted in this power of attorney;
and

(4) disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner: (Principal's Name) by (Your Signature) as Agent.

Unless the Special Instructions in this power of attorney state otherwise, you must also:

(1) act loyally for the principal's benefit;

(2) avoid conflicts that would impair your ability to act in the principal's best interest;

(3) act with care, competence, and diligence;

(4) keep a record of all receipts, disbursements, and transactions made on behalf of the principal;

(5) cooperate with any person that has authority to make health-care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interests; and

(6) attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interests.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

(1) death of the principal;

(2) the principal's revocation of the power of attorney or your authority;

(3) the occurrence of a termination event stated in the power of attorney;

(4) the purpose of the power of attorney is fully accomplished; or

(5) if you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127. If you violate the Vermont Uniform Power of Attorney Act, or act outside the authority granted, you may be liable for any damages caused by your violation. In addition to civil liability, failure to comply with your duties and authority granted under this document could subject you to criminal prosecution.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.

§ 4052. STATUTORY SHORT FORM POWER OF ATTORNEY FOR REAL ESTATE TRANSACTIONS

(a) A document substantially in the following form may be used to create a statutory form power of attorney for a real estate transaction that has the meaning and effect prescribed by this chapter.

VERMONT SHORT FORM POWER OF ATTORNEY FOR REAL ESTATE
TRANSACTIONS

This power of attorney authorizes another person (your agent) to take actions for you (the principal) in connection with a real estate transaction (sale, purchase, mortgage, or gift). Your agent will be able to make decisions and act with respect to a specific parcel of land whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127.

DESIGNATION OF AGENT

I/we _____ and _____
(Name(s) of Principal) appoint the following person as my (our) agent:

Name of Agent: _____

Name of Alternate Agent: _____

Address of Property that is the subject of this power of attorney

(Street): _____, _____ (Municipality)
_____, Vermont.

Transaction for which the power of attorney is given:

Sale

Purchase or Acquisition

Mortgage

Finance and/or Mortgage

Gift

GRANT OF AUTHORITY

I/we grant my (our) agent and any alternate agent authority named in this power of attorney to act for me/us with respect to a real estate transaction involving the property with the address stated above, including, but not limited to, the powers described in 14 V.S.A. § 4034(2), (3), and (4) as provided in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127.

POWER TO DELEGATE

If this box is checked, each agent appointed in this power of attorney may delegate the authority to act to another person. Any delegation shall be in writing and executed in the same manner as this power of attorney.

TERM

This power of attorney commences when fully executed and continues until the real estate transaction for which it was given is complete.

SELF DEALING

[] If this box is checked, the agent named in this power of attorney may convey the subject real estate with or without consideration to the agent, individually, in trust, or to one or more persons with the agent.

CHOICE OF LAW

This power of attorney and the effect hereof shall be determined by the application of Vermont law and the Vermont Uniform Power of Attorney Act.

SIGNATURE AND ACKNOWLEDGMENT

Your Name Printed

Your Address

Your Telephone Number

State of

County of

This document was acknowledged before me on _____ (Date)

by _____.

(Name of Principal)

(Seal, if any)

Signature of Notary

My commission expires: _____

(b) A power of attorney in the form above confers on the agent the powers provided in subdivisions 4034 (2), (3) and (4) of this chapter.

§ 4053. AGENT'S CERTIFICATION

The following optional form may be used by an agent to certify facts

concerning a power of attorney.

AGENT'S CERTIFICATION AS TO THE VALIDITY OF POWER OF ATTORNEY AND AGENT'S AUTHORITY

State of _____

[County] of _____]

I, _____ (Name of Agent), certify under penalty of perjury that _____ (Name of Principal) granted me authority as an agent or successor agent in a power of attorney dated _____.

I further certify that to my knowledge:

(1) the Principal is alive and has not revoked the Power of Attorney or my authority to act under the Power of Attorney and the Power of Attorney and my authority to act under the Power of Attorney have not terminated;

(2) if the Power of Attorney was drafted to become effective upon the happening of an event or contingency, the event or contingency has occurred;

(3) if I was named as a successor agent, the prior agent is no longer able or willing to serve; and

(4) _____ (Insert other relevant statements below)

SIGNATURE AND ACKNOWLEDGMENT

Agent's Name Printed

Agent's Address

Agent's Telephone Number

This document was acknowledged before me on _____,

____ (Date)

by _____

(Name of Agent)

(Seal, if any)

Signature of Notary

My commission expires: _____

Subchapter 4. Miscellaneous Provisions

§ 4061. UNIFORMITY OF APPLICATION AND CONSTRUCTION

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.

§ 4062. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede subsection 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in subsection 103(b) of that act, 15 U.S.C. § 7003(b).

§ 4063. EFFECT ON EXISTING POWERS OF ATTORNEY

Except as otherwise provided in this chapter, on July 1, 2023:

(1) this chapter applies to a power of attorney created before, on, or after July 1, 2023;

(2) this chapter applies to a judicial proceeding concerning a power of attorney commenced on or after July 1, 2023;

(3) this chapter applies to a judicial proceeding concerning a power of attorney commenced before July 1, 2023 unless the court finds that application of a provision of this chapter would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of a party, in which case that provision does not apply and the superseded law applies; and

(4) an act done before July 1, 2023 is not affected by this chapter.

Sec. 2. REPEAL

14 V.S.A. chapter 123 (powers of attorney) is repealed.

Sec. 3. 14A V.S.A. § 401 is amended to read:

§ 401. METHODS OF CREATING TRUST

A trust may be created:

(1) by transfer of property to another person as trustee or to the trust in the trust's name during the settlor's lifetime or by will or other disposition taking effect upon the settlor's death;

(2) by declaration by the owner of property that the owner holds identifiable property as trustee;

(3) by exercise of a power of appointment in favor of a trustee;

(4) pursuant to a statute or judgment or decree that requires property to be administered in the manner of an express trust; or

~~(5)(A) by an agent or attorney-in-fact under a power of attorney that expressly grants authority to create the trust; or~~

~~(B) by an agent or attorney-in-fact under a power of attorney that grants the agent or attorney-in-fact the authority to act in the management and disposition of the principal's property that is as broad or comprehensive as the principal could exercise for himself or herself and that does not expressly exclude the authority to create a trust, provided that any trust so created does not include any authority or powers that are otherwise prohibited by 14 V.S.A. § 3504. An agent or attorney-in-fact may petition the Probate Division of the Superior Court to determine whether a power of attorney described in this subdivision grants the agent or attorney-in-fact authority that is as broad or comprehensive as that which the principal could exercise for himself or herself.~~

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

Which proposal of amendment was considered and concurred in.

Recess

At eleven o'clock and four minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

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

Senate Proposal of Amendment Concurred in

H. 67

The Senate proposed to the House to amend House bill, entitled

An act relating to household products containing hazardous substances

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

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Thousands of household products sold in the State contain substances designated as hazardous under State or federal law.

(2) Vermont's hazardous waste rules establish specific requirements for the management of hazardous waste, including a prohibition on disposal in landfills.

(3) Leftover household products, known as household hazardous waste (HHW), are regulated through a requirement that municipal solid waste management entities (SWMEs) include provisions in solid waste implementation plans for the management and diversion of unregulated hazardous waste. The State solid waste management plan also requires the SWMEs to each hold a minimum of two HHW collection events every year.

(4) Many SWMEs already offer more than two HHW collection events, and seven of the SWMEs have established permanent facilities for the regular collection of HHW.

(5) HHW collection events and permanent facilities are expensive to operate, and SWMEs spend approximately \$2.2 million a year to manage HHW, costs that are subsequently passed on to the residents of Vermont through taxes, fees, or disposal charges.

(6) As a result of the failure to divert HHW, it is estimated that 855 tons or more per year of HHW are being disposed of in landfills.

(7) There is general agreement among the SWMEs and the Agency of Natural Resources that additional collection sites and educational and informational activities are necessary to capture more of the HHW being disposed of in landfills.

(8) Funding constraints are a current barrier to new collection sites and educational and informational activities.

(9) HHW released into the environment can contaminate air, groundwater, and surface waters, thereby posing a significant threat to the environment and public health.

(10) To improve diversion of HHW from landfills, reduce the financial burden on SWMEs and taxpayers, reduce the cost of the overall system of managing HHW, and lessen the environmental and public health risk posed by improperly disposed of HHW, the State shall implement a program to require

the manufacturers of household products containing a hazardous substance to implement a stewardship organization to collect household products containing a hazardous substance free of charge to the public.

Sec. 2. 10 V.S.A. chapter 164B is added to read:

CHAPTER 164B. COLLECTION AND MANAGEMENT OF
HOUSEHOLD HAZARDOUS PRODUCTS

§ 7181. DEFINITIONS

As used in this chapter:

(1) “Agency” means the Agency of Natural Resources.

(2) “Consumer product” means any product that is regularly used or purchased to be used for personal, family, or household purposes.

(3) “Covered entity” means any person who presents to a collection facility or event that is included in an approved collection plan any number of covered household hazardous products, with the exception of large quantity generators or small quantity generators as those terms are defined in the Agency of Natural Resources’ Vermont Hazardous Waste Regulations.

(4)(A) “Covered household hazardous product” means a consumer product offered for retail sale that is contained in the receptacle in which the product is offered for retail sale, if the product has any of the following characteristics:

(i) the product or a component of the product is a hazardous waste under subchapter 2 of the Vermont Hazardous Waste Management Regulations, regardless of the status of the generator of the hazardous waste;
or

(ii) the product is a gas cylinder.

(B) “Covered household hazardous product” does not mean any of the following:

(i) a primary or rechargeable battery;

(ii) a lamp that contains mercury;

(iii) a thermostat that contains mercury;

(iv) architectural paint as that term is defined in section 6672 of this title;

(v) a covered electronic device as that term is defined in section 7551 of this title;

(vi) a pharmaceutical drug;

(vii) citronella candles;

(viii) flea and tick collars;

(ix) pesticides required to be registered with the Agency of Agriculture, Food and Markets;

(x) products that are intended to be rubbed, poured, sprinkled on, sprayed on, introduced into, or otherwise applied to the human body or any part of a human for cleansing, moisturizing, sun protection, beautifying, promoting attractiveness, or altering appearance, unless designated as a hazardous material or a hazardous waste by the Secretary of Natural Resources; or

(xi) gas cylinders determined by the Secretary by rule not to pose an unacceptable risk to human health, solid waste facility operation, or the environment, and which are not hazardous waste.

(5)(A) “Gas cylinder” means:

(i) any nonrefillable cylinder and its contents supplied to a consumer for personal, family, or household use and shall include those containing flammable pressurized gas, spray foam insulating products, single-use and rechargeable handheld fire extinguishers, helium, or carbon dioxide, of any size not exceeding any cylinder with a water capacity of 50 pounds, including seamless cylinders and tubes, welded cylinders, and insulated cylinders intended to contain helium, carbon dioxide, or flammable materials such as propane, butane, or other flammable compressed gasses; or

(ii) refillable cylinders containing propane for personal, family, or household use not exceeding a water capacity of one pound.

(B) “Gas cylinder” does not include any medical or industrial-grade cylinder.

(6)(A) “Manufacturer” means a person who:

(i) manufactures or manufactured a covered household hazardous product under its own brand or label for sale in the State;

(ii) sells in the State under its own brand or label a covered household hazardous product produced by another supplier;

(iii) owns a brand that it licenses or licensed to another person for use on a covered household hazardous product sold in the State;

(iv) imports into the United States for sale in the State a covered household hazardous product manufactured by a person without a presence in the United States;

(v) manufactures a covered household hazardous product for sale in the State without affixing a brand name; or

(vi) assumes the responsibilities, obligations, and liabilities of a manufacturer as defined under subdivisions (i) through (v) of this subdivision (6)(A), provided that the Secretary may enforce the requirements of this chapter against a manufacturer defined under subdivisions (i) through (v) of this subdivision (6)(A) if a person who assumes the manufacturer's responsibilities fails to comply with the requirements of this chapter.

(B) "Manufacturer" does not mean a person set forth under subdivisions (A)(i)–(vi) of this subdivision (6) if the person manufactures, sells, licenses, or imports less than \$5,000.00 of covered household hazardous products in the United States in a program year and is registered with the Secretary.

(7) "Orphan covered product" means a covered household hazardous product for which no manufacturer is participating in a stewardship organization pursuant to section 7182 of this title.

(8) "Program year" means the period from January 1 through December 31.

(9) "Retailer" means a person who sells a covered household hazardous product in the State through any means, including a sales outlet, a catalogue, the telephone, the Internet, or any electronic means.

(10) "Secretary" means the Secretary of Natural Resources.

(11) "Sell" or "sale" means any transfer for consideration of title or of the right to use by lease or sales contract a covered household hazardous product to a person in the State of Vermont. "Sell" or "sale" does not include the sale, resale, lease, or transfer of a used covered household hazardous product or a manufacturer's wholesale transaction with a distributor or a retailer.

(12) "Stewardship organization" means a legal entity such as an organization, association, or entity that has developed a system, method, or other mechanism that assumes the responsibilities, obligations, and liabilities under this chapter of multiple manufacturers of covered household hazardous products and that is:

(A) exempt from taxation under 26 U.S.C. §501(c)(3) of the Internal Revenue Code; and

(B) created by a group of producers to implement a collection plan in accordance with section 7183 of this title.

§ 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;
STEWARDSHIP ORGANIZATION REGISTRATION

(a) Sale prohibited. Beginning six months after a final decision on the adequacy of a collection plan by the Secretary, a manufacturer of a covered household hazardous product shall not sell, offer for sale, or deliver to a retailer for subsequent sale a covered household hazardous product unless all the following have been met:

(1) The manufacturer is participating in a stewardship organization implementing an approved collection plan.

(2) The name of the manufacturer, the manufacturer's brand, and the name of the covered household hazardous product are submitted to the Agency of Natural Resources by a stewardship organization and listed on the stewardship organization's website as covered by an approved collection plan.

(3) The stewardship organization in which the manufacturer participates has submitted an annual report consistent with the requirements of section 7185 of this title.

(4) The stewardship organization in which the manufacturer participates has conducted a plan audit consistent with the requirements of subsection 7185(b) of this title.

(b) Stewardship organization registration requirements.

(1) On or before January 1, 2025 and annually thereafter, a stewardship organization shall file a registration form with the Secretary. The Secretary shall provide the registration form to the stewardship organization. The registration form shall include:

(A) a list of the manufacturers participating in the stewardship organization;

(B) a list of the brands of each manufacturer participating in the stewardship organization;

(C) a list of the covered household hazardous products of each manufacturer participating in the stewardship organization;

(D) the name, address, and contact information of a person responsible for ensuring compliance with this chapter;

(E) a description of how the stewardship organization meets the requirements of subsection 7184(b) of this title, including any reasonable requirements for participation in the stewardship organization; and

(F) the name, address, and contact information of a person for a nonmember manufacturer to contact regarding how to participate in the stewardship organization to satisfy the requirements of this chapter.

(2) A renewal of a registration without changes may be accomplished through notifying the Agency of Natural Resources on a form provided by the Agency.

§ 7183. COLLECTION PLANS

(a) Collection plan required. Prior to July 1, 2025, any stewardship organization registered with the Secretary as representing manufacturers of covered household hazardous products shall coordinate and submit to the Secretary for review one collection plan for all manufacturers.

(b) Collection plan; minimum requirements. Each collection plan shall include, at a minimum, all of the following requirements:

(1) List of participants. A list of the manufacturers, brands, and products participating in the collection plan and a methodology for adding and removing manufacturers and notifying the Agency of new participants.

(2) Free statewide collection of covered household hazardous products. The collection program shall provide for free, convenient, and accessible statewide opportunities for the collection from covered entities of covered household hazardous products, including orphan covered products. A stewardship organization shall accept all covered household hazardous products collected from a covered entity and shall not refuse the collection of a covered household hazardous product, including orphan covered household products, based on the brand or manufacturer of the covered household hazardous product unless specifically exempt from this requirement. The collection program shall also provide for the payment of collection, processing, and end-of-life management of the covered household hazardous products. Collection costs include facility costs, equipment costs, labor, supplies, maintenance, events costs, and event contractor costs, including collection event set-up fees, environmental service fees, insurance fees, and shipping containers and materials.

(3) Convenient collection location. The stewardship organization shall develop a collection program that allows all municipal household hazardous waste collection programs to opt to be a part of the collection plan, including collection events and facilities offered by solid waste planning entities. The plan shall make efforts to site points of collection equitably across all regions of the State to allow for convenient and reasonable access of all Vermonters to collection facilities or collection events.

(4) Public education and outreach. The collection plan shall include an education and outreach program that shall include a website and may include media advertising, retail displays, articles and publications, and other public educational efforts. Outreach and education shall be suitable for the State's diverse ethnic populations, through translated and culturally appropriate materials, including in-language and targeted outreach. Public education and outreach should include content to increase meaningful participation by environmental justice focus populations as required by 3 V.S.A. chapter 72. During the first year of program implementation and two years after adoption of the collection plan, each stewardship organization shall carry out a survey of public awareness regarding the requirements of the program established under this chapter that can identify communities that have disparities in awareness and need more outreach. Each stewardship organization shall share the results of the public awareness surveys with the Secretary. If multiple stewardship organizations are implementing plans approved by the Secretary, the stewardship organizations shall coordinate in carrying out their education and outreach responsibilities under this subdivision and shall include in their annual reports to the Secretary a summary of their coordinated education and outreach efforts. The education and outreach program and website shall notify the public of the following:

(A) that there is a free collection program for covered household hazardous products;

(B) the location and hours of operation of collection points and how a covered entity can access this collection program;

(C) the special handling considerations associated with covered household hazardous products; and

(D) source reduction information for consumers to reduce leftover covered household products.

(5) Compliance with appropriate environmental standards. In implementing a collection plan, a stewardship organization shall comply with all applicable laws related to the collection, transportation, and disposal of hazardous waste. A stewardship organization shall comply with any special handling or disposal standards established by the Secretary for covered household hazardous products or for the collection plan of the manufacturer.

(6) Method of disposition. The collection plan shall describe how covered household hazardous products will be managed in the most environmentally and economically sound manner, including following the waste-management hierarchy. The management of covered household hazardous products under the collection plan shall use management activities

in the following priority order: source reduction, reuse, recycling, energy recovery, and disposal. Collected covered household hazardous products shall be recycled when technically and economically feasible.

(7) Performance goals. A collection plan shall include:

(A) A performance goal for covered household hazardous products determined by the number of total participants at collection events and facilities listed in the collection plan during a program year divided by the total number of households. The number of households shall include seasonal households. The calculation methodology for the number of households shall be included in the plan.

(B) At a minimum, the collection performance goal for the first approved plan shall be an annual participation rate of five percent of the households for every collection program based on the number of households the collection program serves. After the initial approved program plan, the stewardship organization shall propose performance goals for subsequent program plans. The Secretary shall approve the performance goals for the plan at least every five years. The stewardship organization shall use the results of the most recent waste composition study required under 6604 of this title and other relevant factors to propose the performance goals of the collection plan. If a stewardship organization does not meet its performance goals, the Secretary may require the stewardship organization to revise the collection plan to provide for one or more of the following: additional public education and outreach, additional collection events, or additional hours of operation for collection sites. A stewardship organization is not authorized to reduce or cease collection, education and outreach, or other activities implemented under an approved plan on the basis of achievement of program performance goals.

(8) Collection plan funding. The collection plan shall describe how the stewardship organization will fund the implementation of the collection plan and collection activities under the plan, including the costs for education and outreach, collection, processing, and end-of-life management of the covered household hazardous product. Collection costs include facility costs, equipment costs, labor, supplies, maintenance, events costs, and event contractor costs, including collection event set-up fees, environmental service fees, insurance fees, and shipping containers and materials. The collection plan shall include how municipalities will be compensated for all costs attributed to collection of covered household hazardous products. The Secretary shall resolve disputes relating to compensation.

(c) Term of collection plan. A collection plan approved by the Secretary under section 7187 of this title shall have a term not to exceed five years,

provided that the stewardship organization remains in compliance with the requirements of this chapter and the terms of the approved collection plan.

(d) Collection plan implementation. Stewardship organizations shall implement the collection plan on or before six months after the date of a final decision by the Secretary on the adequacy of the collection plan.

§ 7184. STEWARDSHIP ORGANIZATIONS

(a) Participation in a stewardship organization. A manufacturer shall meet the requirements of this chapter by participating in a stewardship organization that undertakes the responsibilities under sections 7182, 7183, and 7185 of this title.

(b) Qualifications for a stewardship organization. To qualify as a stewardship organization under this chapter, an organization shall:

(1) commit to assume the responsibilities, obligations, and liabilities of all manufacturers participating in the stewardship organization;

(2) not create unreasonable barriers for participation in the stewardship organization; and

(3) maintain a public website that lists all manufacturers and manufacturers' brands and products covered by the stewardship organization's approved collection plan.

§ 7185. ANNUAL REPORT; COLLECTION PLAN AUDIT

(a) Annual report. Not later than 18 months after the date a collection plan has been implemented, and annually thereafter, a stewardship organization of manufacturers of covered household hazardous products shall submit a report to the Secretary that contains all of the following:

(1) A description of the collection program.

(2) The volume or weight by hazard category, as defined by the Secretary, of covered household hazardous products collected, the volume or weight of covered household hazardous products collected at each collection facility or collection event, the disposition of the collected covered household hazardous products, and the number of covered entities participating at each collection facility or collection event from which the covered household hazardous products were collected.

(3) The name and address of all the recycling and disposal facilities where the covered household hazardous products are collected and delivered and deposited.

(4) The weight or volume by hazard category of covered household hazardous products sold in the State in the previous calendar year by a manufacturer participating in a stewardship organization's collection plan. Sales data provided under this section shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential. Confidential information shall be redacted from any final public report. If manufacturers can demonstrate that they do not have Vermont specific data, the stewardship organization may use national data prorated to Vermont based upon Vermont's population.

(5) A comparison of the collection plan's performance goals, including participation rate, compared to the actual performance and how the program will be improved if the performance goals are not met.

(6) A description of the methods used to reduce, reuse, collect, transport, recycle, and process the covered household hazardous products.

(7) The cost of implementing the collection plan, including the costs of administration, collection, transportation, recycling, disposal, and education and outreach.

(8) A description and evaluation of the success of the education and outreach materials. If multiple stewardship organizations are implementing the collection plan approved by the Secretary, the stewardship organizations shall include a summary of their coordinated education and outreach efforts.

(9) Recommendations for any changes to the program.

(b) Collection plan audit. On or before September 1, 2030 and every five years thereafter, a stewardship organization of manufacturers of covered household hazardous products shall hire an independent third party to audit the collection plan and the plan's operation. The auditor shall examine the effectiveness of the program in collecting and disposing of covered household hazardous products. The auditor shall examine the cost-effectiveness of the program and compare it to that of collection programs for covered household hazardous products in other jurisdictions. The auditor shall examine the effectiveness of the plan in satisfying the requirement of this chapter that all Vermonters have convenient and reasonable access to collection facilities or collection events. The auditor shall make recommendations to the Secretary on ways to increase the program's efficacy and cost-effectiveness.

(c) Public posting. A stewardship organization shall post a report or audit required under this section to the website of the stewardship organization.

§ 7186. ANTITRUST; CONDUCT AUTHORIZED

(a) Activity authorized. A manufacturer, group of manufacturers, or stewardship organization implementing or participating in an approved collection plan under this chapter for the collection, transport, processing, and end-of-life management of covered household hazardous products is individually or jointly immune from liability for conduct under State laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce under 9 V.S.A. chapter 63, subchapter 1 to the extent that the conduct is reasonably necessary to plan, implement, and comply with the stewardship organization's chosen system for managing discarded covered household hazardous products.

(b) Limitations on antitrust activity. Subsection (a) of this section shall not apply to an agreement among producers, groups of manufacturers, retailers, wholesalers, or stewardship organizations affecting the price of covered household hazardous products or any agreement restricting the geographic area in which or customers to whom covered household hazardous products shall be sold.

§ 7187. AGENCY RESPONSIBILITIES

(a) Review and approve collection plans. The Secretary shall review and approve or deny collection plans submitted under section 7183 of this title according to the public notice and comment requirements of section 7714 of this title.

(b) Criteria for plan approval.

(1) The Secretary shall approve a collection plan if the Secretary finds that the collection plan:

(A) complies with the requirements of subsection 7183(b) of this title;

(B) provides adequate notice to the public of the collection opportunities available for covered household hazardous products;

(C) ensures that collection of covered household hazardous products will occur in an environmentally sound fashion that is consistent with the law or with any special handling requirements adopted by the Secretary;

(D) promotes the collection and disposal of covered household hazardous products; and

(E) is reasonably expected to meet performance goals and convenience standards.

(2) If a manufacturer or a stewardship organization fails to submit a plan that is acceptable to the Secretary because it does not meet the requirements of this chapter, the Secretary shall modify the submitted plan to make it conform to the requirements of this chapter and place the modified draft plan on notice pursuant to section 7714 of this title.

(c) Collection plan amendment. The Secretary, in the Secretary's discretion or at the request of a manufacturer or a stewardship organization, may require a stewardship organization to amend an approved collection plan. Collection plan amendments shall be subject to the public input provisions of section 7717 of this title.

(d) Registrations. The Secretary shall accept, review, and approve or deny registrations required by this chapter. The Secretary may revoke a registration of a stewardship organization when the actions of the stewardship organization are unreasonable, unnecessary, or contrary to the requirements or the policy of this chapter. The Secretary shall only approve one stewardship organization for the first collection plan.

(e) Supervisory capacity. The Secretary shall act in a supervisory capacity over the actions of a stewardship organization registered under this section. In acting in this capacity, the Secretary shall review the actions of the stewardship organization to ensure that they are reasonable, necessary, and limited to carrying out requirements of and policy established by this chapter.

(f) Special handling requirements. The Secretary may adopt by rule special handling requirements for the collection, transport, and disposal of covered household hazardous products.

§ 7188. OTHER DISPOSAL PROGRAMS

A municipality or other public agency shall not require covered entities to use public facilities to dispose of covered household hazardous products to the exclusion of other lawful programs available. A municipality and other public agencies are encouraged to work with manufacturers to assist them in meeting their collection and disposal obligations under this chapter. Nothing in this chapter prohibits or restricts the operation of any program collecting and disposing of covered household hazardous products in addition to those provided by manufacturers or prohibits or restricts any persons from receiving, collecting, transporting, or disposing of covered household hazardous products, provided that all other applicable laws are met.

§ 7189. RULEMAKING

The Secretary of Natural Resources may adopt rules to implement the requirements of this chapter.

Sec. 3. AGENCY OF NATURAL RESOURCES RECOMMENDATION OF
REGISTRATION FEE FOR COVERED HOUSEHOLD
HAZARDOUS PRODUCTS

On or before January 15, 2024, the Secretary of Natural Resources shall submit to the House Committees on Ways and Means and on Environment and Energy and the Senate Committees on Finance and on Natural Resources and Energy a recommended fee for the registration of stewardship organizations under the covered household hazardous product program under 10 V.S.A. chapter 164B.

Sec. 4. 10 V.S.A. § 6621a(a) is amended to read:

(a) In accordance with the following schedule, no person shall knowingly dispose of the following materials in solid waste or in landfills:

* * *

(12) Covered household hazardous products after July 1, 2025.

Sec. 5. 10 V.S.A. § 7714 is amended to read:

§ 7714. TYPE 3 PROCEDURES

(a) Purpose; scope.

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

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

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

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

(C) An application or request for approval of:

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

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

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

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

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

(vi) a covered household hazardous products collection plan under section 7183 of this title.

* * *

Sec. 6. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes, and the Board may take such action with respect to subdivision (10) of this subsection:

* * *

(30) 3 V.S.A. § 2810, relating to interim environmental media standards; ~~and~~

(31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts or products; and

(32) 10 V.S.A. chapter 164B, relating to collection and management of covered household hazardous products.

* * *

Sec. 7. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

* * *

(V) chapter 124 (trade in covered animal parts or products); and

(W) chapter 164B (collection and management of covered household hazardous products).

- (2) 29 V.S.A. chapter 11 (management of lakes and ponds).
- (3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).
- (4) 3 V.S.A. § 2810 (interim environmental media standards).

* * *

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 126

The Senate proposed to the House to amend House bill, entitled

An act relating to community resilience and biodiversity protection

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

Sec. 1. SHORT TITLE

This act may be cited as the “Community Resilience and Biodiversity Protection Act” or “CRBPA.”

Sec. 2. FINDINGS

The General Assembly finds:

(1) Nature is facing a catastrophic loss of biodiversity, both globally and locally.

(2) In addition to its intrinsic value, biodiversity is essential to human survival.

(3) According to the United Nations:

(A) one million species of plants and animals are threatened with extinction;

(B) human activity has altered almost 75 percent of the Earth’s surface, squeezing wildlife and nature into ever-smaller natural areas of the planet;

(C) the health of ecosystems on which humans and all other species depend is deteriorating more rapidly than ever, affecting the very foundations of economies, livelihoods, food security, health, and quality of life worldwide; and

(D) the causes of the drivers of changes in nature rank as follows:

- (i) changes in land, water, and sea use;
- (ii) direct exploitation of organisms;
- (iii) climate change;
- (iv) pollution; and
- (v) invasive species.

(4) The 2017 Vermont Forest Action Plan found that fragmentation and parcelization represent major threats to forest health and productivity and exacerbate the impacts of climate change.

(5) In 2022 Acts and Resolves No. 183, the Department of Forests, Parks and Recreation was tasked with developing the Vermont Forest Future Strategic Roadmap to strengthen, modernize, promote, and protect the forest products sector and the greater forest economy and promote the importance of healthy, resilient, and sustainably managed working forests that provide a diverse array of high-quality products now and in the future.

(6) The 2021 Vermont Climate Assessment highlights an increase in extreme weather events such as droughts and floods as a significant impact of climate change in Vermont and recommends nature-based solutions as a proven, low-cost strategy for climate adaptation and resilience.

(7) The initial Vermont Climate Action Plan calls for investing in strategic conservation to increase the pace of permanent conservation towards 30 by 30 targets, with Vermont Conservation Design guiding prioritization of efforts.

(8) Freshwater vertebrate populations have declined by 84 percent globally since 1970, twice the rate of decline of biodiversity in terrestrial and marine biomes. Almost one in three freshwater species are threatened with extinction.

(9) Approximately 75 percent of all river miles assessed in Vermont are disconnected from their floodplains, indicating degradation and exacerbating flood-related damages.

(10) The Nature Conservancy has developed the Resilient and Connected Landscapes project and found that Vermont plays a key role in the conservation of biodiversity regionally.

(11) The Staying Connected Initiative is an international partnership of public and private organizations. Its goal is to maintain, enhance, and restore landscape connectivity for wide-ranging mammals across the Northern Appalachians-Acadian region, from the Adirondack Mountains to the Maritime Provinces. The Staying Connected Initiative has identified nine

linkages across this vast region that are extremely important to wildlife. Six of these linkages lie within Vermont.

(12) The Vermont Department of Fish and Wildlife, working within the Agency of Natural Resources and with Vermont conservation organizations, has developed Vermont Conservation Design, a framework to sustain the State's ecologically functional landscape into the future.

(13) Intact and connected ecosystems support Vermont's biodiversity, reduce flood risks, mitigate drought, and sequester and store carbon.

(14) Vermont's most effective and efficient contribution to conserving biological diversity and maintaining a landscape resilient to climate change is to conserve an intact and connected landscape.

(15) In order to maintain ecological functions in intact and connected ecosystems, the full range of conservation approaches is needed, including supporting private landowner education, technical assistance, and programs; conservation easements that promote sustainable forest management; and conservation easements and fee acquisitions focused on passive management.

(16) The Vermont Housing Finance Agency's 2020 Housing Needs Assessment projected an urgent pre-pandemic need for new housing. Strategic investment in conservation is consistent with construction of housing in Vermont's villages and town centers.

(17) The land and waters, forests and farms, and ecosystems and natural communities in Vermont are the traditional and unceded home of the Abenaki people. Access to land and land-based enterprises has excluded Black, Indigenous, and Persons of Color (BIPOC) Vermonters and others from historically marginalized and disadvantaged communities in the centuries of European settlement. Efforts to increase land conservation must also include opportunities to increase access to land and land-based enterprise for Indigenous People and all who come from historically marginalized and disadvantaged communities.

Sec. 3. 10 V.S.A. chapter 89 is added to read:

CHAPTER 89. COMMUNITY RESILIENCY AND BIODIVERSITY
PROTECTION

§ 2801. DEFINITIONS

As used in this section:

(1) "Ecological reserve area" means an area having permanent protection from conversion and that is managed to maintain a natural state

within which natural ecological processes and disturbance events are allowed to proceed with minimal interference.

(2) “Biodiversity conservation area” means an area having permanent protection from conversion for the majority of the area and that is managed for the primary goal of sustaining species or habitats. These areas may include regular, active interventions to address the needs of particular species or to maintain or restore habitats.

(3) “Natural resource management area” means an area having permanent protection from conversion for the majority of the area but that is subject to long-term, sustainable land management.

(4) “Conversion” means a fundamental change in natural ecosystem type or habitat, natural or undeveloped land cover type, or natural form and function of aquatic systems.

(5) “Sustainable land management” means the stewardship and use of forests and forestlands, grasslands, wetlands, riparian areas, and other lands, including the types of agricultural lands that support biodiversity, in a way, and at a rate, that maintains or restores their biodiversity, productivity, regeneration capacity, vitality, and their potential to fulfill, now and in the future, relevant ecological, economic, and social functions at local, State, and regional levels, and that does not degrade ecosystem function.

(6) “Conserved” means permanently protected and meeting the definition of ecological reserve area, biodiversity conservation area, or natural resource management area as defined in this section for purposes of meeting the 30 percent goal in subsection 2802(b) of this title. For purposes of meeting the 50 percent goal of subsection 2802(b) of this title, “conserved” primarily means permanently protected and meeting the definition of ecological reserve area, biodiversity conservation area, or natural resource management area as defined in this section, although other long-term land protection mechanisms and measures that achieve the goals of Vermont Conservation Design that are enforceable and accountable and that support an ecologically functional and connected landscape may be considered.

§ 2802. CONSERVATION VISION AND GOALS

(a) The vision of the State of Vermont is to maintain an ecologically functional landscape that sustains biodiversity, maintains landscape connectivity, supports watershed health, promotes climate resilience, supports working farms and forests, provides opportunities for recreation and appreciation of the natural world, and supports the historic settlement pattern of compact villages surrounded by rural lands and natural areas.

(b) It is the goal of the State that 30 percent of Vermont's total land area shall be conserved by 2030, and 50 percent of the State's total land area shall be conserved by 2050. The Secretary of Natural Resources shall lead the effort in achieving these goals. The land conserved shall include State, federal, municipal, and private land.

(c) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a mix of ecological reserve areas, biodiversity conservation areas, and natural resource management areas. In order to support an ecologically functional and connected landscape with sustainable production of natural resources and recreational opportunities, the approximate percentages of each type of conservation category shall be guided by the principles of conservation science and the conservation targets within Vermont Conservation Design, prioritizing ecological reserve areas to protect highest priority natural communities and maintain or restore old forests.

§ 2803. CONSERVED LAND INVENTORY

(a) On or before July 1, 2024, the Vermont Housing and Conservation Board, in consultation with the Secretary, shall create an inventory of Vermont's conserved land and conservation policies to serve as the basis of meeting the conservation goals of Vermont Conservation Design and to meet the goals established in section 2802 of this title. The inventory shall be submitted for review to the House Committees on Environment and Energy and on Agriculture, Food Resiliency, and Forestry and the Senate Committee on Natural Resources and Energy.

(b) The inventory shall include:

(1) A review of the three conservation categories defined in section 2801 of this title and suggestions for developing any modifications or additions to these categories that maintain or complement the core concepts of ecological reserve areas, biodiversity conservation areas, and natural resource management areas in order to complete the conserved land inventory and inform the comprehensive strategy in the conservation plan. As part of this review, criteria shall be developed to determine the types of agricultural lands that will qualify as supporting and restoring biodiversity and therefore count towards the natural resource management area category.

(2) The amount of conserved land in Vermont that fits into each of the three conservation categories defined in section 2801 of this title, including public and private land. The inventory shall also include other lands permanently protected from development by fee ownership or subject to conservation easements.

(3) A summary of the totality of conservation practices, both permanent and intermediate, available for reaching the goals of this chapter, including what they are, what they do, how they contribute, and what metrics are available to quantify them.

(4) An assessment of how State lands will be used to increase conserved ecological reserve areas.

(5) The implementation methods that could be utilized for achieving the goals of this chapter using Vermont Conservation Design as a guide.

(6) A review of how aquatic systems are currently conserved or otherwise protected in the State, including a description of the benefits land conservation provides for aquatic systems, whether this is sufficient to maintain aquatic system functions and services, and how the implementation methods for achieving the goals of this chapter using Vermont Conservation Design as a guide would include specific strategies for protecting aquatic system health.

(7) How existing programs will be used to meet the conservation goals of this chapter and recommendations for new programs, if any, that will be needed to meet the goals.

(8) An assessment of existing funding and recommendations for new funding sources that will be needed for acquisition of land, purchase or donation of conservation easements, staffing capacity, and long-term stewardship to meet the goals.

(9) An equity assessment of existing land protection and conservation strategies and programs.

(10) An evaluation of the opportunities related to intergenerational land transfer trends and how the State could proactively direct resources to achieve conservation at the time of transfer.

§ 2804. CONSERVATION PLAN

(a) On or before December 31, 2025, the Vermont Housing and Conservation Board, in consultation with the Secretary, shall develop a plan to implement the conservation goals of Vermont Conservation Design and to meet the vision and goals established in section 2802 of this title. The plan shall be submitted for review to the House Committees on Environment and Energy and on Agriculture, Food Resiliency, and Forestry and the Senate Committee on Natural Resources and Energy.

(b) The plan shall include:

(1) a comprehensive strategy for achieving the vision and goals of section 2802 of this title while continuing to conserve and protect Vermont's agricultural land, working forests, historic properties, recreational lands, and surface waters;

(2) the implementation methods for achieving the vision and goals of this chapter using Vermont Conservation Design as a guide;

(3) recommendations to provide and increase equitable access to protected and conserved lands and land-based enterprises, including recreational access to and use of conserved lands; and

(4) recommendations to implement the vision and goals of this chapter while also enhancing the State of Vermont's current investments and commitments to working lands enterprises, rural landowners, and the broad conservation mission implemented by the Secretary and VHCB, including conservation of agricultural land, working forests, historic properties, recreational lands, and surface waters.

(c) In developing the plan, the Vermont Housing and Conservation Board, in consultation with the Secretary, shall hold 12 or more public meetings on the plan between July 1, 2023 and December 31, 2025 to solicit input from stakeholders. Stakeholders shall include private owners of forestlands and agricultural lands, land trusts, conservation organizations, environmental organizations, working lands enterprises, outdoor recreation groups and businesses, Indigenous groups and representatives from historically marginalized and disadvantaged communities, watershed groups, municipalities, regional planning commissions, conservation commissions, and relevant State and federal agencies. At least three of the meetings shall be designed to solicit comments from the general public.

(d) The conserved land inventory established in 2803 of this title shall be updated biennially to track progress toward meeting the vision and goals of this chapter, which shall be publicly available, and the Secretary shall submit a report to the relevant committees on or before January 15 following each update.

Sec. 4. APPROPRIATIONS

(a) The sum of \$75,000.00 is appropriated from the General Fund to the Vermont Housing and Conservation Board in fiscal year 2024 to support public education and outreach to inform the development of the statewide conservation plan.

(b) The sum of \$150,000.00 is appropriated from the General Fund to the Agency of Natural Resources in fiscal year 2024 to hire a limited-service position to support the development of the statewide conservation plan.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

Which proposal of amendment was considered and concurred in.

Message from the Senate No. 60

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

Madam Speaker:

I am directed to inform the House that:

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

H. 517. An act relating to approval of the dissolution of Duxbury-Moretown Fire District No. 1.

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

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon Senate bill of the following title:

S. 14. An act relating to a report on criminal justice-related investments and trends.

And has accepted and adopted the same on its part.

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 100. An act relating to housing opportunities made for everyone.

And has concurred therein.

**Rules Suspended, Immediate Consideration;
Senate Proposal of Amendment Concurred in****H. 472**

Appearing on the Notice Calendar, on motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to miscellaneous agricultural subjects

Was taken up for immediate consideration.

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

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

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

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

Fourth: By striking out Sec. 23, effective date, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * Sales Tax Exemption; Advanced Wood Boilers * * *

Sec. 23. 2018 Acts and Resolves No. 194, Sec. 26b(a), as amended by 2019 Acts and Resolves No. 83, Sec. 14, is further amended to read:

(a) 32 V.S.A. § ~~§§~~ 9741(52) (sales tax exemption for advanced wood boilers) and 9706(II) (statutory purpose; sales tax exemption for advanced wood boilers) shall be repealed on July 1, ~~2023~~ 2024.

* * * Effective Dates * * *

Sec. 24. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except Sec. 23 (sales tax exemption; advanced wood boilers) shall take effect on June 30, 2023.

Which proposal of amendment was considered and concurred in.

**Rules Suspended, Immediate Consideration;
Senate Proposal of Amendment Concurred in**

H. 480

Appearing on the Notice Calendar, on motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to property valuation and reappraisals

Was taken up for immediate consideration.

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

* * * Reappraisals * * *

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

§ 4041a. REAPPRAISAL

* * *

(b) If the Director of Property Valuation and Review determines that a municipality’s education grand list ~~is at a common level of appraisal below 85 percent or above 115 percent,~~ or has a coefficient of dispersion greater than 20,

the municipality shall reappraise its education grand list properties. If the Director orders a reappraisal, the Director shall send the municipality written notice of the decision. The municipality shall be given 30 days to contest the finding under procedural rules adopted by the Director, or to develop a compliance plan, or both. If the Director accepts a proposed compliance plan submitted by the municipality, the Director shall not order commencement of the reappraisal until the municipality has had one year to carry out that plan.

* * *

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

* * *

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

§ 4041a. REAPPRAISAL

* * *

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

* * *

(d) Each municipality shall commence a full reappraisal not later than six

years after the commencement of the municipality's most recent full reappraisal unless a longer period of time is approved by the Director.

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) selection and prioritization criteria;

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

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

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

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

(C) Creation of a reappraisal appeal structure that:

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

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

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

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

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

(E) Existing definitions and data metrics currently gathered by municipal Computer Assisted Mass Appraisal (CAMA) systems and the potential for using those definitions and data to collect information on the number of residential units, land value distinct from the value of buildings or other improvements on the land, the year of construction for buildings or other improvements, and any other pertinent data relating to properties in this State.

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

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

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

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

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

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

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

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

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

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

(ii) The recommendation under this subdivision (4)(A) shall consider the way that existing municipal and statewide education grand list

property categories used for purposes of the equalization study could be reconfigured and consolidated and any other means to identify properties in order to obtain detailed, accurate, and consistent data on all properties throughout the State.

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

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

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

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

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

* * * Lister and Appraiser Education * * *

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

§ 3436. ASSESSMENT EDUCATION

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

by Property Valuation and Review or a person pursuant to a contract with Property Valuation and Review, the International Association of Assessing Officials, the Vermont Assessors and Listers Association, or the Vermont League of Cities and Towns.

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

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

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

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

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

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

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

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

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

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

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

§ 4052. CONTRACT APPRAISALS; ASSESSOR AND LISTER
QUALIFICATIONS

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

* * * Effective Dates * * *

Sec. 10. EFFECTIVE DATES

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

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

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

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

Which proposal of amendment was considered and concurred in.

Rules Suspended, Immediate Consideration; Report of Committee of Conference Adopted; Rules Suspended, House Actions Messaged to Senate Forthwith

S. 6

Pending entry on the Notice Calendar, on motion of **Rep. McCoy of Poultney**, the rules were suspended and Senate bill, entitled

An act relating to law enforcement interrogation policies

Was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

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

S.6. An act relating to law enforcement interrogation policies.

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

Sec. 1. LEGISLATIVE INTENT; JUVENILE INTERROGATION; LAW ENFORCEMENT INTERROGATION POLICIES

It is the intent of the General Assembly to prevent false confessions and wrongful convictions of individuals subject to law enforcement interrogation and to improve trust between Vermont's communities and law enforcement. To achieve these objectives, it is the further intent of the General Assembly to create a minimum set of law enforcement interrogation standards that incorporate evidence-based best practices by:

(1) prohibiting law enforcement's use of threats, physical harm, and deception during custodial interrogations of persons under 22 years of age; and

(2) mandating that the Vermont Criminal Justice Council develop, adopt, and enforce a statewide model interrogation policy that applies to all

Vermont law enforcement agencies and constables exercising law enforcement authority pursuant to 24 V.S.A. § 1936.

Sec. 2. 13 V.S.A. § 5585 is amended to read:

§ 5585. ~~ELECTRONIC RECORDING OF A CUSTODIAL~~
INTERROGATION DEFINITIONS

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

(1) “Custodial interrogation” means any interrogation:

(A) involving questioning by a law enforcement officer that is reasonably likely to elicit an incriminating response from the subject; and

(B) in which a reasonable person in the subject’s position would consider the person to be in custody, starting from the moment a person should have been advised of the person’s Miranda rights and ending when the questioning has concluded.

(2) “Deception” includes the knowing communication of false facts about evidence, the knowing misrepresentation of the accuracy of the facts, the knowing misrepresentation of the law, or the knowing communication of unauthorized statements regarding leniency.

~~(2)~~(3) “Electronic recording” or “electronically recorded” means an audio and visual recording that is an authentic, accurate, unaltered record of a custodial interrogation, or if law enforcement does not have the current capacity to create a visual recording, an audio recording of the interrogation.

(4) “Law enforcement officer” has the same meaning as in 20 V.S.A. § 2351a.

(5) “Government agent” means:

(A) a school resource or safety officer; or

(B) an individual acting at the request or direction of a school resource or safety officer or a law enforcement officer.

~~(3)~~(6) “Place of detention” means a building or a police station that is a place of operation for the State police, a municipal police department, county sheriff department, or other law enforcement agency that is owned or operated by a law enforcement agency at which persons are or may be questioned in connection with criminal offenses or detained temporarily in connection with criminal charges pending a potential arrest or citation.

~~(4)~~(7) “Statement” means an oral, written, sign language, or nonverbal communication.

~~(b)(1) A custodial interrogation that occurs in a place of detention concerning the investigation of a felony or misdemeanor violation of this title shall be electronically recorded in its entirety. Unless impracticable, a custodial interrogation occurring outside a place of detention concerning the investigation of a felony or misdemeanor violation of this title shall be electronically recorded in its entirety.~~

~~(2) In consideration of best practices, law enforcement shall strive to record simultaneously both the interrogator and the person being interrogated.~~

~~(c)(1) The following are exceptions to the recording requirement in subsection (b) of this section:~~

~~(A) exigent circumstances;~~

~~(B) a person's refusal to be electronically recorded;~~

~~(C) interrogations conducted by other jurisdictions;~~

~~(D) a reasonable belief that the person being interrogated did not commit a felony or misdemeanor violation of this title and, therefore, an electronic recording of the interrogation was not required;~~

~~(E) the safety of a person or protection of the person's identity; and~~

~~(F) equipment malfunction.~~

~~(2) If law enforcement does not make an electronic recording of a custodial interrogation as required by this section, the prosecution shall prove by a preponderance of the evidence that one of the exceptions identified in subdivision (1) of this subsection applies. If the prosecution does not meet the burden of proof, the evidence is still admissible, but the court shall provide cautionary instructions to the jury regarding the failure to record the interrogation.~~

Sec. 3. 13 V.S.A. § 5586 is added to read:

§ 5586. ELECTRONIC RECORDING OF A CUSTODIAL
INTERROGATION

(a)(1) A custodial interrogation that occurs in a place of detention concerning the investigation of a felony or misdemeanor violation of this title shall be electronically recorded in its entirety. Unless impracticable, a custodial interrogation occurring outside a place of detention concerning the investigation of a felony or misdemeanor violation of this title shall be electronically recorded in its entirety.

(2) In consideration of best practices, law enforcement shall strive to record simultaneously both the interrogator and the person being interrogated.

(b)(1) The following are exceptions to the recording requirement in subsection (a) of this section:

(A) exigent circumstances;

(B) a person's refusal to be electronically recorded;

(C) interrogations conducted by other jurisdictions;

(D) a reasonable belief that the person being interrogated did not commit a felony or misdemeanor violation of this title and, therefore, an electronic recording of the interrogation was not required;

(E) the safety of a person or protection of the person's identity; and

(F) equipment malfunction.

(2) If law enforcement does not make an electronic recording of a custodial interrogation as required by this section, the prosecution shall prove by a preponderance of the evidence that one of the exceptions identified in subdivision (1) of this subsection applies. If the prosecution does not meet the burden of proof, the evidence is still admissible, but the court shall provide cautionary instructions to the jury regarding the failure to record the interrogation.

Sec. 4. 13 V.S.A. § 5587 is added to read:

§ 5587. JUVENILES

(a) During a custodial interrogation of a person under 22 years of age relating to the commission of a criminal offense or delinquent act, a law enforcement officer or government agent shall not employ threats, physical harm, or deception.

(b)(1) Any admission, confession, or statement, whether written or oral, made by a person under 22 years of age and obtained in violation of subsection (a) of this section shall be presumed to be involuntary and inadmissible in any proceeding.

(2) The presumption that any such admission, confession, or statement is involuntary and inadmissible may be overcome if the State proves by clear and convincing evidence that the admission, confession, or statement was:

(A) voluntary and not induced by a law enforcement officer's or government agent's use of threats, physical harm, or deception prohibited by subsection (a) of this section; and

(B) any actions of a law enforcement officer or government agent in violation of subsection (a) of this section did not undermine the reliability of

the person's admission, confession, or statement and did not create a substantial risk that the person might falsely incriminate themselves.

Sec. 5. VERMONT CRIMINAL JUSTICE COUNCIL; MODEL

INTERROGATION POLICY

(a) Intent. It is the intent of the General Assembly that the Vermont Criminal Justice Council create a model interrogation policy that is grounded in evidence-based best practices to limit and eventually eliminate the use of deception in law enforcement interrogations.

(b) Policy development. On or before January 1, 2024, the Vermont Criminal Justice Council, in consultation with the Office of the Attorney General and stakeholders, including the Agency of Human Services, the Vermont League of Cities and Towns, the Vermont Human Rights Commission, and the Innocence Project, shall establish one cohesive evidence-based model interrogation policy for law enforcement agencies and constables to adopt, follow, and enforce as part of the agency's or constable's own interrogation policy.

(c) Policy contents. The evidence-based model interrogation policy created pursuant to this section shall apply to all persons subject to various forms of interrogation, including the following:

- (1) custodial interrogations occurring in a place of detention;
- (2) custodial interrogations occurring outside a place of detention;
- (3) interrogations that are not considered custodial, regardless of location; and
- (4) the interrogation of individuals with developmental, intellectual, and psychiatric disabilities; substance use disorders; and low literacy levels.

Sec. 6. 20 V.S.A. § 2359 is amended to read:

§ 2359. COUNCIL SERVICES CONTINGENT ON AGENCY

COMPLIANCE; GRANT ELIGIBILITY

(a) On and after January 1, 2022, a law enforcement agency shall be prohibited from having its law enforcement applicants or officers trained by the Police Academy or from otherwise using the services of the Council if the agency is not in compliance with the requirements for collecting roadside stop data under section 2366 of this chapter, the requirement to report to the Office of Attorney General death or serious bodily injuries under 18 V.S.A. § 7257a(b), or the requirement to adopt, follow, ~~or~~ and enforce any policy required under this chapter.

(b) On and after April 1, 2024, a law enforcement agency shall be prohibited from receiving grants, or other forms of financial assistance, if the agency is not in compliance with the requirement to adopt, follow, and enforce the model interrogation policy established by the Council pursuant to section 2371 of this title.

(c) The Council shall adopt procedures to enforce the requirements of this section, which may allow for waivers for agencies under a plan to obtain compliance with this section.

Sec. 7. 20 V.S.A. § 2371 is added to read:

§ 2371. STATEWIDE POLICY; INTERROGATION METHODS

(a) As used in this section:

(1) “Custodial interrogation” has the same meaning as in 13 V.S.A. § 5585.

(2) “Place of detention” has the same meaning as in 13 V.S.A. § 5585.

(b) The Council shall establish a model interrogation policy that applies to all persons subject to various forms of interrogation, including the following:

(1) custodial interrogations occurring in a place of detention;

(2) custodial interrogations occurring outside a place of detention;

(3) interrogations that are not considered custodial, regardless of location; and

(4) the interrogation of individuals with developmental, intellectual, and psychiatric disabilities; substance use disorders; and low literacy levels.

(c)(1) On or before April 1, 2024, each law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall adopt, follow, and enforce an interrogation policy that includes each component of the model interrogation policy established by the Council, and each law enforcement officer or constable who exercises law enforcement authority shall comply with the provisions of the agency’s or constable’s policy.

(2) On or before October 1, 2024, and every even-numbered year thereafter, the Vermont Criminal Justice Council, in consultation with others, including the Office of the Attorney General, the Agency of Human Services, and the Human Rights Commission, shall review and, if necessary, update the model interrogation policy.

(d) To encourage fair and consistent interrogation methods statewide, the Vermont Criminal Justice Council, in consultation with the Office of the Attorney General, shall review the policies of law enforcement agencies and constables required to adopt a policy pursuant to subsection (c) of this section, to ensure that those policies establish each component of the model policy on or before April 15, 2024. If the Council finds that a policy does not meet each component of the model policy, it shall work with the law enforcement agency or constable to bring the policy into compliance. If, after consultation with its attorney or with the Council, or with both, the law enforcement agency or constable fails to adopt a policy that meets each component of the model policy, that agency or constable shall be deemed to have adopted, and shall follow and enforce, the model policy established by the Council.

(e) The Council shall incorporate the provisions of this section into the training it provides.

(f) Annually, as part of their annual training report to the Council, every law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall report to the Council whether the agency or constable has adopted an interrogation policy in accordance with subsections (c) and (d) of this section. The Vermont Criminal Justice Council shall determine, as part of the Council's annual certification of training requirements, whether current officers have received training on interrogation methods as required by subsection (e) of this section.

(g) Annually, on or before July 1, the Vermont Criminal Justice Council shall report to the House and Senate Committees on Judiciary regarding which law enforcement agencies and officers have received training on interrogation methods.

Sec. 8. VERMONT CRIMINAL JUSTICE COUNCIL; POSITION;

APPROPRIATION

(a) On July 1, 2023, a new, permanent, classified Director of Policy position is created in the Vermont Criminal Justice Council. In addition to any other duties deemed appropriate by the Council, the Director of Policy shall supervise the development, oversight, and compliance work related to the Council's internal, external, and State-mandated policies.

(b) The position of Director of Policy established in subsection (a) of this section shall be subject to a General Fund appropriation in FY 2024.

Sec. 9. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that Secs. 4 (juveniles),

5 (Council services contingent on Agency compliance; grant eligibility) and 6 (statewide policy; interrogation methods) shall take effect on April 1, 2024.

REP. MARTIN J. LALONDE

REP. ELA CHAPIN

REP. KEVIN CHRISTIE

Committee on the part of the House

SEN. RICHARD W. SEARS

SEN. ROBERT W. NORRIS

SEN. NADER HASHIM

Committee on the part of the Senate

Which was considered and adopted on the part of the House.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the House's actions on the bill were ordered messaged to the Senate forthwith.

Recess

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

At four o'clock and seventeen minutes in the afternoon, the Speaker called the House to order.

Rules Suspended, Immediate Consideration; Senate Proposal of Amendment Concurred in with a Further Amendment Thereto; Rules Suspended, House Actions Messaged to Senate Forthwith

H. 217

Appearing on the Notice Calendar, on motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to miscellaneous workers' compensation amendments

Was taken up for immediate consideration.

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

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that investments in and policy changes to Vermont's child care and early learning system shall:

- (1) increase access to and the quality of child care services and afterschool and summer care programs throughout the State;
- (2) increase equitable access to and quality of prekindergarten education for children four years of age;
- (3) provide financial stability to child care programs;
- (4) stabilize Vermont's talented child care workforce;
- (5) address the workforce needs of the State's employers;
- (6) maintain a mixed-delivery system for prekindergarten, child care, and afterschool and summer care; and
- (7) assign school districts with the responsibility of ensuring equitable prekindergarten access for children who are four years of age on the date by which the child's school district requires kindergarten students to have attained five years of age or who are five years of age and not yet enrolled in kindergarten.

* * * Prekindergarten * * *

Sec. 2. PREKINDERGARTEN EDUCATION IMPLEMENTATION
COMMITTEE; PLAN

(a) Creation. There is created the Prekindergarten Education Implementation Committee to assist the Agency of Education in improving and expanding accessible, affordable, and high-quality prekindergarten education for children on a full-day basis on or before July 1, 2026. The prekindergarten program under consideration would require a school district to provide prekindergarten education to all children within the district in either a public school or by contract with private providers, or both.

(b) Membership.

(1) The Committee shall be composed of the following members:

(A) the Secretary of Education or designee, who shall serve as co-chair;

(B) the Secretary of Human Services or designee, who shall serve as co-chair;

(C) the Executive Director of the Vermont Principals' Association or designee;

(D) the Executive Director of the Vermont Superintendents Association or designee;

(E) the Executive Director of the Vermont School Board Association

or designee;

(F) the Executive Director of the Vermont National Education Association or designee;

(G) the Chair of the Vermont Council of Special Education Administrators or designee;

(H) the Executive Director of the Vermont Curriculum Leaders Association or designee;

(I) the Executive Director of Building Bright Futures or designee;

(J) a representative of a prequalified private provider as defined in 16 V.S.A. § 829, operating a licensed center-based child care and preschool program, appointed by the Speaker of the House;

(K) a representative of a prequalified private provider as defined in 16 V.S.A. § 829, providing prekindergarten education at a regulated family child care home, appointed by the Committee on Committees;

(L) the Head Start Collaboration Office Director or designee;

(M) the Executive Officer of Let's Grow Kids or designee;

(N) a representative, appointed by Vermont Afterschool, Inc.;

(O) a representative, appointed by the Vermont Association for the Education of Young Children;

(P) a regional prekindergarten coordinator, appointed by the Vermont Principals' Association;

(Q) two family representatives, one with a child three years of age or younger when the Committee initially convenes and the second with a prekindergarten-age child when the Committee initially convenes, appointed by the Building Bright Futures Council; and

(R) a member of the School Construction Aid Task Force, appointed by the Secretary of Education.

(2) The Committee shall consult with any stakeholder necessary to accomplish the purposes of this section, including stakeholders with perspectives specific to diversity, equity, and inclusion.

(c) Powers and duties. The Committee shall examine the delivery of prekindergarten education in Vermont and make recommendations to expand access for children through the public school system or private providers under contract with the school district, or both. The Committee shall examine and make recommendations on the changes necessary to provide prekindergarten education to all children by or through the public school system on or before

July 1, 2026. The Committee's analysis may yield distinct recommendations for different prekindergarten ages. The Committee's recommendation shall consider:

- (1) the needs of both the State and local education agencies;
- (2) the minimum number of hours that shall constitute a full school day for both prekindergarten and kindergarten;
- (3) whether there are areas of the State where prekindergarten education can be more effectively and conveniently furnished in an adjacent state due to geographic considerations;
- (4) benchmarks and best practices to ensure high-quality prekindergarten education;
- (5) measures to ensure capacity is available to meet the demand for prekindergarten education;
- (6) special education services for children participating in prekindergarten in both public and private settings;
- (7) any necessary infrastructure changes to expand prekindergarten;
- (8) costs associated with expanding prekindergarten, including fiscally strategic options to sustain an expansion of prekindergarten;
- (9) recommendations for the oversight of the prekindergarten system;
and
- (10) any other issue the Committee deems relevant.

(d) Assistance. The Committee shall have the administrative, technical, fiscal, and legal assistance of the Agencies of Education and of Human Services. If the Agencies are unable to provide the Committee with adequate support to assist with its administrative, technical, fiscal, or legal needs, then the Agency of Education shall retain a contractor with the necessary expertise to assist the Committee.

(e) Report. On or before December 1, 2024, the Committee shall submit a written report to the House Committees on Education and on Human Services and the Senate Committees on Education and on Health and Welfare with its implementation plan based on the analysis conducted pursuant to subsection (c) of this section. The report shall include draft legislative language to support the Committee's plan.

(f) Meetings.

(1) The Secretary of Education or designee shall call the first meeting of the Committee to occur on or before July 15, 2023.

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

(3) The Committee shall cease to exist on February 1, 2025.

(g) Compensation and reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than 18 meetings. These payments shall be made from monies appropriated to the Agency of Education.

(h) Appropriations.

(1) The sum of \$7,500.00 is appropriated to the Agency of Education from the General Fund in fiscal year 2024 for per diem compensation and reimbursement of expenses for members of the Committee.

(2) The sum of \$100,000.00 is appropriated to the Agency of Education from the General Fund in fiscal year 2024 for the cost of retaining a contractor as provided under subsection (d) of this section.

(3) Any unused portion of these appropriations shall, as of July 1, 2025, revert to the General Fund.

Sec. 2a. PREKINDERGARTEN EDUCATION MODEL CONTRACT

On or before December 1, 2024, the Agency of Education, in consultation with the members of the Prekindergarten Education Implementation Committee and other relevant stakeholders, shall develop a model contract for school districts to use for contracting with private providers for prekindergarten education services. The model contract shall include:

(1) an antidiscrimination provision that requires compliance with the Vermont Public Accommodations Act, 9 V.S.A. chapter 139, and the Vermont Fair Employment Practices Act, 21 V.S.A. chapter 5, subchapter 6; and

(2) requirements for the provision of special education services.

Sec. 2b. PREKINDERGARTEN PUPIL WEIGHT; REPORT

On or before December 1, 2023, the Agency of Education, in consultation with the Prekindergarten Education Implementation Committee, shall analyze and issue a written report to the General Assembly regarding whether the cost of educating a prekindergarten student is the same as educating a kindergarten student in the context of a full school day. The report shall include a detailed analysis, recommendation, and implementation plan for the sufficient weight to apply to prekindergarten students, in alignment with the weights under current law, for the purposes of determining weighted long-term membership of a school district under 16 V.S.A. § 4010. The report shall include draft

legislative language to support the recommended prekindergarten pupil weight and implementation plan.

Sec. 2c. AGENCY OF EDUCATION DATA COLLECTION AND SHARING

On or before August 1, 2023, the Agency of Education shall collect and share the following data with the Joint Fiscal Office:

(1) The number of weighted pupils, which shall not be adjusted by the equalization ratio, for fiscal year 2024:

(A) using weights in effect on July 1, 2023 at both the statewide and district levels; and

(B) using weights in effect on July 1, 2024 at both the statewide and district levels.

(2) The following data, by school district:

(A) the total resources needed to operate a public prekindergarten education program that would serve each prekindergarten child in the district;

(B) the number of prekindergarten children by year of age;

(C) the total education spending and other funds spent in fiscal year 2023 for children attending public prekindergarten education programs;

(D) the total education spending and other funds spent in fiscal year 2023 for prekindergarten children receiving prekindergarten education through a prequalified private provider to whom the district pays tuition;

(E) if the school district operates a public prekindergarten education program:

(i) the number of hours and slots offered in the public prekindergarten education program;

(ii) the number of students residing in the district enrolled in the public prekindergarten education program;

(iii) the number and cost of students residing in the district enrolled in a prequalified private provider for whom the district pays tuition for prekindergarten education; and

(iv) the number of students enrolled in the public prekindergarten education program who reside outside the district and the corresponding revenues associated with the nonresident student tuition; and

(F) if the school district does not operate a prekindergarten education program:

(i) the number of hours of prekindergarten education provided to each prekindergarten child; and

(ii) the tuition costs for prekindergarten children.

Sec. 3. 16 V.S.A. § 4010 is amended to read:

§ 4010. DETERMINATION OF WEIGHTED LONG-TERM MEMBERSHIP AND PER PUPIL EDUCATION SPENDING

* * *

(d) Determination of weighted long-term membership. For each weighting category except the small schools weighting category under subdivision (b)(3) of this section, the Secretary shall compute the weighting count by using the long-term membership, as defined in subdivision 4001(7) of this title, in that category.

(1) The Secretary shall first apply grade level weights. Each pupil included in long-term membership from subsection (b) of this section shall count as one, multiplied by the following amounts:

(A) ~~prekindergarten—negative 0.54; [Repealed.]~~

(B) grades six through eight—0.36; and

(C) grades nine through 12—0.39.

* * *

Sec. 3a. CONTINGENT EFFECTIVE DATE OF PREKINDERGARTEN EDUCATION WEIGHT CHANGE

The amendments to 16 V.S.A. § 4010 (weighted long-term membership) set forth in Sec. 3 of this act shall not take effect unless, on or before July 1, 2026, the General Assembly enacts legislation establishing the following:

(1) a definition for the minimum number of hours that constitute a full school day for prekindergarten education;

(2) a requirement that all school districts shall be required to follow the same minimum number of hour requirements for prekindergarten education; and

(3) a requirement that all school districts shall be required to follow the same contracting requirements for the provision of prekindergarten education.

* * * Agency of Education * * *

Sec. 4. PLAN; AGENCY OF EDUCATION LEADERSHIP

On or before November 1, 2025, the Agency of Education shall submit a

plan to the House Committees on Education and on Human Services and to the Senate Committees on Education and on Health and Welfare for the purpose of elevating the status of early education within the Agency in accordance with the report produced pursuant to 2021 Acts and Resolves No, 45, Sec. 13. The plan shall achieve greater parity in decision-making authority, roles and responsibilities, and reporting structure related to early care and learning across the Agency and Department for Children and Families.

* * * Child Care and Child Care Subsidies * * *

Sec. 5. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.

* * *

~~(4) After September 30, 2021, a regulated center-based child care program or family child care home as defined by the Department in rule shall not receive funds pursuant to this subsection that are in excess of the usual and customary rate for services at the center-based child care program or family child care home~~ Nothing in this subsection shall preclude a child care provider from establishing tuition rates that are lower than the provider reimbursement rate in the Child Care Financial Assistance Program.

* * *

Sec. 5a. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.

(2) The subsidy authorized by this subsection and the corresponding family contribution shall be established by the Commissioner, by rule, and

shall bear a reasonable relationship to income and family size. The Commissioner may adjust the subsidy and family contribution by rule to account for increasing child care costs not to exceed 1.5 times the most recent annual increase in the NAICS code 611, Educational Services. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to ~~150~~ 175 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including ~~350~~ 400 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection. The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.

* * *

Sec. 5b. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.

* * *

(5) The Department shall ensure that applications for the Child Care Financial Assistance Program use a simple, plain-language format. Applications shall be available in both electronic and paper formats and shall comply with the Office of Racial Equity's most recent Language Access Report.

(6) A Vermont resident who has a citizenship status that would otherwise exclude the resident from participating in the Child Care Financial Assistance Program shall be served under this Program, provided that the benefit for these residents is solely State-funded. The Department shall not retain data on the citizenship status of any applicant or participant once a child is no longer participating in the program, and it shall not request the citizenship status of any members of the applicant's or participant's family.

Any records created pursuant to this subsection shall be exempt from public inspection and copying under the Public Records Act.

* * *

Sec. 5c. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.

(2) The subsidy authorized by this subsection and the corresponding family contribution shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The Commissioner may adjust the subsidy and family contribution by rule to account for increasing child care costs not to exceed 1.5 times the most recent annual increase in the NAICS code 611, Educational Services. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to 175 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including ~~400~~ 575 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection. The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.

* * *

Sec. 5d. FISCAL YEAR 2024; FAMILY CONTRIBUTION

In fiscal year 2024, a weekly family contribution for participants in the Child Care Financial Assistance Program established in 33 V.S.A. §§ 3512 and 3513 shall begin at \$50.00 for families at 176 percent of the federal poverty level and increase for families at a higher percentage of the federal poverty level as determined by the Department.

Sec. 6. PROVIDER RATE ADJUSTMENT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a) It is the intent of the General Assembly that:

(1) the provider rate adjustment recommended in this section shall be an initial step toward implementing a professional pay scale; and

(2) programs use funds to elevate quality through higher compensation for staff, curriculum implementation, staff professional development, and improvements to learning environments.

(b)(1) On January 1, 2024, the Department for Children and Families shall provide an adjustment to the base child care provider reimbursement rates in the Child Care Financial Assistance Program for child care services provided by center-based child care and preschool programs, family child care homes, and afterschool and summer care programs. The adjusted reimbursement rate shall account for the age of the children served and be 35 percent higher than the fiscal year 2023 five-STAR reimbursement rate in the Vermont STARS system. All providers in the same child care setting category shall receive a reimbursement rate payment, which shall be dependent upon whether the provider operates a regulated child care center and preschool program, regulated family child care home, or afterschool or summer care program.

(2) The provider rate adjustment established in this section shall become part of the base budget in future fiscal years.

Sec. 7. APPROPRIATION; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a) In addition to fiscal year 2024 funds appropriated for the Child Care Financial Assistance Program in other acts, in fiscal year 2024, \$47,800,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for:

(1) the program eligibility expansion in Sec. 5a of this act; and

(2) the fiscal year 2024 provider rate adjustment in Sec. 6 of this act.

(b)(1) In addition to fiscal year 2024 funds appropriated for the administration of the Department for Children and Families' Child Development Division in other acts, in fiscal year 2024, \$4,000,000.00 is appropriated from the General Fund to the Division to administer adjustments to the Child Care Financial Assistance Program required by this act through the authorization of the following 11 new permanent classified positions within the Division:

(A) one Business Applications Support Manager;

- (B) one Licensing Field Specialist I;
- (C) two Child Care Business Techs;
- (D) one Administrative Services Coordinator II;
- (E) one Program Integrity Investigator;
- (F) one Grants and Contracts Manager – Compliance;
- (G) one Business Application Support Specialist;
- (H) one Communications and Outreach Coordinator;
- (I) one Financial Manager II; and
- (J) one Grants and Contracts Manager.

(2) The Department may seek permission from the Joint Fiscal Committee to replace a position authorized in this subsection with an alternative position.

(3) The Division shall allocate at least \$2,000,000.00 of the amount appropriated in this subsection to the Community Child Care Support Agencies.

Sec. 8. READINESS PAYMENTS; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a)(1) In fiscal year 2024, \$20,000,000.00 is appropriated one time from the General Fund to the Department for Children and Families' Child Development Division for the purpose of providing payments to child care providers, as defined in 33 V.S.A. § 3511, delivering child care services to children, in preparation of the Child Care Financial Assistance Program eligibility expansion in Sec. 5a of this act and for the fiscal year 2024 provider rate adjustment in Sec. 6 of this act. Readiness payments may be used for the following:

- (A) increasing capacity for infants and toddlers;
- (B) expanding the number of family child care homes;
- (C) improving child care facilities;
- (D) preparing private prequalified providers for future changes in the prekindergarten system;
- (E) expanding hours of operation to provide full-day, full-week child care services;
- (F) addressing gaps in services and expanding capacity;
- (G) increasing workforce capacity, including signing and retention bonuses; and

(H) any other uses approved by the Commissioner.

(2) Of the funds appropriated in subdivision (1) of this subsection, up to five percent may be used to contract with a third party to provide technical assistance to child care providers to build or maintain capacity and to provide information on the opportunities and requirements of this act.

(b) In administering the readiness payment program established by this section, the Division shall utilize the Agency of Administration bulletin pertaining to beneficiaries in effect on May 1, 2023. The Division may either use the same distribution framework used to distribute Child Care Development Block Grant funds in accordance with the American Rescue Plan Act of 2021 or it may utilize an alternative distribution framework.

(c) The Commissioner shall provide a status report on the distribution of readiness payments to the Joint Fiscal Committee at its November 2023 meeting.

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

§ 3514. PAYMENT TO PROVIDERS

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

* * *

Sec. 9. 33 V.S.A. § 3514 is amended to read:

§ 3514. PAYMENT TO PROVIDERS

(a)(1) The Commissioner shall establish a payment schedule for purposes of reimbursing providers for full- or part-time child care services rendered to families who participate in the programs established under section 3512 or 3513 of this title. Payments established under this section shall reflect the following considerations: whether the provider operates a licensed child care facility or a registered family child care home, type of service provided, cost of providing the service, and the prevailing market rate for comparable service. The payment schedule shall account for the age of the children served, and all providers in the same child care setting category shall receive a

reimbursement rate payment, which shall be dependent upon whether the provider operates a child care center and preschool program, family child care home, or afterschool or summer care program.

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

(b) The Commissioner may establish a separate payment schedule for child care providers who have received specialized training, approved by the Commissioner, relating to protective or family support services.

~~(c)(1) The payment schedule established by the Commissioner may reimburse providers in accordance with the results of the most recent Vermont Child Care Market Rate Survey.~~

~~(2) The payment schedule shall include reimbursement rate caps tiered in relation to provider ratings in the Vermont STARS program. The lower limit of the reimbursement rate caps shall be not less than the 50th percentile of all reported rates for the same provider setting in each rate category. [Repealed.]~~

Sec. 9a. 33 V.S.A. § 3514 is amended to read:

§ 3514. PAYMENT TO PROVIDERS

(a)(1) The Commissioner shall establish a payment schedule for purposes of reimbursing providers for full- or part-time child care services rendered to families who participate in the programs established under section 3512 or 3513 of this title. The payment schedule shall account for the age of the children served, and all providers in the same child care setting category shall receive a reimbursement rate payment, which shall be dependent upon whether the provider operates a child care center and preschool program, family child care home, or afterschool or summer care program. The reimbursement rate shall then be adjusted to reduce the differential between family child care homes and center-based child care and preschool programs by 50 percent.

* * *

Sec. 9b. REPORT; ADJUSTMENT OF CHILD CARE FINANCIAL ASSISTANCE PROGRAM RATES

On or before January 15, 2024, the Department for Children and Families’ Child Development Division, in collaboration with the Joint Fiscal Office, shall submit a report to the House Committees on Appropriations and on

Human Services and the Senate Committees on Appropriations and on Health and Welfare providing recommendations on:

(1) the appropriate mechanism for adjusting future reimbursement rates for child care providers participating in the Child Care Financial Assistance Program pursuant to 33 V.S.A. §§ 3512 and 3513;

(2) the appropriate reimbursement rate in fiscal years 2025 and 2026 for child care providers participating in the Child Care Financial Assistance Program pursuant to 33 V.S.A. §§ 3512 and 3513; and

(3) the appropriate family contribution in fiscal years 2025 and 2026 for families participating in the Child Care Financial Assistance Program pursuant to 33 V.S.A. §§ 3512 and 3513.

Sec. 10. 33 V.S.A. § 3515 is added to read:

§ 3515. CHILD CARE QUALITY AND CAPACITY INCENTIVE PROGRAM

(a) The Commissioner shall establish a child care quality and capacity incentive program for child care providers participating in the Child Care Financial Assistance Program pursuant to sections 3512 and 3513 of this title. Annually, consistent with funds appropriated for this purpose, the Commissioner may provide a child care provider with an incentive payment for the following achievements:

(1) achieving a higher level in the quality rating and improvement system, including increasing access to and provision of culturally competent care and multilingual programming and providing other family support services similar to those provided in approved Head Start programs;

(2) increasing infant and toddler capacity;

(3) maintaining existing infant and toddler capacity;

(4) establishing capacity in regions of the State that are identified by the Commissioner as underserved;

(5) providing nonstandard hours of child care services;

(6) completing a Commissioner-approved training on protective or family support services; and

(7) other quality- or capacity-specific criteria identified by the Commissioner.

(b) The Commissioner shall maintain a current incentive payment schedule on the Department's website.

Sec. 10a. LEGISLATIVE INTENT; CHILD CARE QUALITY AND CAPACITY INCENTIVE PROGRAM

It is the intent of the General Assembly that in fiscal year 2025 and in future fiscal years, at least \$10,000,000.00 is appropriated for the child care quality and capacity incentive program established in 33 V.S.A. § 3515.

Sec. 11. 33 V.S.A. § 3516 is added to read:

§ 3516. CHILD CARE WAITLIST AND APPLICATION FEES

A child care provider shall not charge an application or waitlist fee for child care services where the applying child qualifies for the Child Care Financial Assistance Program pursuant to section 3512 or 3513 of this title. A child care provider shall reimburse an individual who is charged an application or waitlist fee for child care services if it is later determined that the applying child qualified for the Child Care Financial Assistance Program at the time the fee or fees were paid.

Sec. 12. 33 V.S.A. § 3517 is added to read:

§ 3517. CHILD CARE TUITION RATES

A child care provider shall ensure that its tuition rates are available to the public. A regulated child care provider shall not impose an increase on annual child care tuition that exceeds 1.5 times the most recent annual increase in the NAICS code 611, Educational Services. This amount shall be posted on the Department's website annually.

Sec. 12a. 33 V.S.A. § 3518 is added to read:

§ 3518. CHILDCARE PROVIDER OWNERSHIP DISCLOSURE

(a) As used in this section:

(1) “Affiliate” means a person that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with another person.

(2) “Controls,” “is controlled by,” and “under common control” mean the power to direct, or cause the direction or management and policies of a person, whether through the direct or beneficial ownership of voting securities, by contract, or otherwise. A person who directly or beneficially owns 10 percent or more equity interest, or the equivalent thereof, of another person shall be deemed to control the person.

(3) “Licensee” means a person that the Department approves to receive Child Care Financial Assistance Program funding for child care services pursuant to a provider rate agreement.

(4) “Principal” means one of the following:

(A) the president, vice president, secretary, treasurer, manager, or similar officer of a corporation as provided for by 11A V.S.A. § 8.40, nonprofit corporation as provided for by 11B V.S.A. § 8.40, mutual benefit enterprise as provided for by 11C V.S.A. § 822, cooperative as provided for by 11 V.S.A. § 1013, or worker cooperative corporation as provided for by 11 V.S.A. § 1089;

(B) a director of a corporation as provided for by 11A V.S.A. § 8.01, nonprofit corporation as provided for by 11B V.S.A. § 8.01, mutual benefit enterprise as provided for by 11C V.S.A. § 801, cooperative as provided for by 11 V.S.A. § 1006, or worker cooperative corporation as provided for by 11 V.S.A. § 1089;

(C) a member of a member-managed limited liability company as provided for by 11 V.S.A. § 4054;

(D) manager of a manager-managed limited liability company as provided for by 11 V.S.A. § 4054; or

(E) a partner of a partnership as provided for by 11 V.S.A. § 3212 or a general partner of a limited partnership as provided for by 11 V.S.A. chapter 23.

(b) Disclosure. The Department shall adopt procedures to require each licensee to disclose, as a condition of receiving Child Care Financial Assistance Program funding pursuant to a provider rate agreement:

(1) the type of business organization of the licensee;

(2) the identity of the licensee’s owners and principals; and

(3) the identity of the owners and principals of the licensee’s affiliates.

Sec. 12b. 33 V.S.A. § 3519 is added to read:

§ 3519. DIVERSITY, EQUITY, AND INCLUSION

The Department shall consult with the Office of Racial Equity in preparing all public materials and trainings related to the Child Care Financial Assistance Program.

Sec. 13. RULEMAKING; PROGRAM DIRECTORS

(a) The Department for Children and Families shall amend the following rules pursuant to 3 V.S.A. chapter 25 to require that a program director is present at the child care facility that the program director operates at least 40 percent of the time that children are present:

(1) Department for Children and Families, Licensing Regulations for

Afterschool and Child Care Programs (CVR 13-171-003); and

(2) Department for Children and Families, Licensing Regulations for Center-Based Child Care and Preschool Programs (CVR 13-171-004).

(b) The Department shall review and consider amending its:

(1) rule prohibiting a person or entity registered or licensed to operate a family child care home from concurrently operating a center-based child care and preschool program or afterschool and summer care program; and

(2) eligibility policies addressing self-employment and other areas of specialized need on a regular basis and revise them consistent with research on best practices in the field to maximize participation in the program and minimize undue burden on families applying for the Child Care Financial Assistance Program.

* * * Report * * *

Sec. 14. REPORT; BACKGROUND CHECKS

On or before January 15, 2024, the Vermont Crime Information Center, in collaboration with the Agency of Education and the Department for Children and Families, shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare providing a recommendation to streamline and improve the timeliness of the background check process for child care and early education providers who are required to complete two separate background checks.

Sec. 15. [Deleted.]

* * * Special Accommodations Grant * * *

Sec. 16. PLAN; SPECIAL ACCOMMODATIONS GRANT

On or before July 1, 2024, the Department for Children and Families' Child Development Division, in consultation with stakeholders, shall develop and submit an implementation plan to the House Committee on Human Services and to the Senate Committee on Health and Welfare to streamline and improve the responsiveness and effectiveness of the application process for special accommodation grants, including:

(1) implementing a 12-month or longer grant cycle option for eligible populations;

(2) improving support and training for providing inclusive care for children with special needs;

(3) determining how to better meet the early learning needs of children with disabilities within a child care setting; and

(4) any other considerations the Department deems essential to the goal of streamlining the application process for special accommodation grants.

* * * Workforce Supports * * *

Sec. 17. 2021 Acts and Resolves No. 45, Sec. 8 is amended to read:

Sec. 8. REPEALS

(a) ~~33 V.S.A. § 3541(d) (reference to student loan repayment assistance program) is repealed on July 1, 2026. [Repealed.]~~

(b) 33 V.S.A. § 3542 (scholarships for prospective early childhood providers) is repealed on July 1, 2026.

(c) ~~33 V.S.A. § 3543 (student loan repayment assistance program) is repealed on July 1, 2026. [Repealed.]~~

* * * Transitional Assistance and Governance * * *

Sec. 18. CHILD CARE; ADMINISTRATIVE SERVICE ORGANIZATIONS

On or before February 15, 2024, the Department for Children and Families shall provide a presentation to the House Committee on Human Services and to the Senate Committee on Health and Welfare regarding the feasibility of and any progress towards establishing administrative service organizations for child care providers.

Sec. 19. 33 V.S.A. § 4605 is added to read:

§ 4605. TECHNICAL ASSISTANCE; ACCOUNTABILITY

In order to ensure the successful implementation of expanded child care, prekindergarten, and afterschool and summer care, Building Bright Futures shall be responsible for monitoring accountability, supporting stakeholders in collectively defining and measuring success, maximizing stakeholder engagement, and providing technical assistance to build capacity for the Department for Children and Families' Child Development Division and the Agency of Education. Specifically, Building Bright Futures shall:

(1) ensure accountability through monitoring transitions over time and submitting a report with the results of this work on January 15 of each year to the House Committee on Human Services and to the Senate Committee on Health and Welfare; and

(2) define and measure success of expanded child care, prekindergarten, and afterschool and summer care related to process, implementation, and outcomes using a continuous quality improvement framework and engage public, private, legislative, and family partners to develop benchmarks pertaining to:

- (A) equitable access to high-quality child care;
- (B) equitable access to high-quality prekindergarten;
- (C) equitable access to high-quality afterschool and summer care;
- (D) stability of the early child care education workforce;
- (E) workforce capacity and needs of the child care, prekindergarten, afterschool and summer care systems; and
- (F) the impact of expanded child care, prekindergarten, and afterschool and summer care on a mixed-delivery system.

Sec. 20. APPROPRIATION; BUILDING BRIGHT FUTURES

Of the funds appropriated in Sec. 7(b) (appropriation; Child Care Financial Assistance Program) of this act, the Department for Children and Families shall allocate \$266,707.00 to Building Bright Futures for the purpose of implementing its duties under 33 V.S.A. § 4605. This amount shall become part of the Department's base for the purpose of supporting Building Bright Future's work pursuant to 33 V.S.A. § 4605.

Sec. 21. PLAN; DEPARTMENT FOR CHILDREN AND FAMILIES;
GOVERNANCE

(a) On or before November 1, 2025, the Secretary of Human Services shall submit an implementation plan to the House Committees on Appropriations, on Government Operations and Military Affairs, and on Human Services and to the Senate Committees on Appropriations, on Government Operations, and on Health and Welfare regarding the reorganization of the Department for Children and Families to increase responsiveness to Vermonters and elevate the status of child care and early education within the Agency of Human Services. The implementation plan shall be consistent with the goals of the report produced pursuant to 2021 Acts and Resolves No. 45, Sec. 13. It shall achieve greater parity in decision-making authority, roles and responsibilities, and reporting structure related to early care and learning across the Agency of Education and Agency of Human Services.

(b) The implementation plan required pursuant to this section shall contain any legislative language required for the division of the Department.

Sec. 22. [Deleted.]

* * * Child Care Provider Wages * * *

Sec. 23. WAGES FOR CHILD CARE PROVIDERS; INTENT

It is the intent of the General Assembly that, upon reaching provider reimbursement rates that are equivalent, when adjusted for inflation, to the

rates recommended by the report produced pursuant to 2021 Acts and Resolves No. 45, Sec. 14:

(1) Vermont may establish minimum wage rates for child care providers that align with the recommendations of the Vermont Association for the Education of Young Children’s recommendations in the 2021 Advancing ECE as a Profession Task Force report;

(2) the minimum wage rates may annually increase based on the percentage increase in the average wage for NAICS code 611, Educational Services; and

(3) the initial minimum wage rates may be adjusted for inflation based on the findings and recommendations of the report prepared pursuant to Sec. 23a of this act.

Sec. 23a. REPORT; CHILD CARE PROVIDER WAGES

On or before January 1, 2026, the Department of Labor, in consultation with the Department for Children and Families Child Development Division and the Joint Fiscal Office, shall submit information to the House Committees on Human Services and on Ways and Means and to the Senate Committees on Health and Welfare and on Finance providing estimated current minimum wage levels based on Vermont and other state data regarding wage levels for early care and education providers.

* * * Child Care Contribution * * *

Sec. 24. 32 V.S.A. chapter 246 is added to read:

CHAPTER 246. CHILD CARE CONTRIBUTION

§ 10551. PURPOSE

The Child Care Contribution is established to provide funding for the Child Care Financial Assistance Program established in 33 V.S.A. §§ 3512 and 3513, including the provision of incentive payments pursuant to 33 V.S.A. § 3515.

§ 10552. DEFINITIONS

As used in this chapter:

(1) “Covered wages” means wages paid to an employee by an employer.

(2) “Employee” means an individual who receives payments with respect to services performed for an employer from which the employer is required to withhold Vermont income tax pursuant to chapter 151, subchapter 4 of this title.

(3) “Employer” means a person who employs one or more employees who is required to withhold income tax from wages paid to the employees

pursuant to chapter 151, subchapter 4 of this title.

(4) "Self-employed individual" means a sole proprietor or partner owner of an unincorporated business, the sole member of a limited liability company, or the sole shareholder of a corporation.

(5) "Self-employment income" has the same meaning as in 26 U.S.C. § 1402.

(6) "Wages" means payments that are included in the definition of wages set forth in 26 U.S.C. § 3401.

§ 10553. CONTRIBUTION; RATE; COLLECTION

(a)(1) Each employer shall pay the Child Care Contribution on all covered wages paid to each of the employer's employees and shall remit those amounts to the Department of Taxes pursuant to the provisions of this section. An employer may deduct and withhold from an employee's covered wages an amount equal to not more than one quarter of the contribution required pursuant to subsection (b) of this section. An employer shall pay the contributions required pursuant to this section as if the contributions were Vermont income tax subject to the withholding requirements of chapter 151, subchapter 4 of this title, including the requirements relating to the time and manner of payment.

(2) Each self-employed individual shall pay the Child Care Contribution on self-employment income earned by the individual and shall remit those amounts to the Department of Taxes pursuant to the provisions of this section. A self-employed individual shall make installment payments of estimated contributions pursuant to this subdivision from the enrolled self-employed individual's self-employment income as if the contributions were Vermont income tax subject to the estimated payment requirements of 32 V.S.A. chapter 151, subchapter 5, including the time and manner of payment.

(b) The contribution rate shall be 0.44 percent of each employee's covered wages and 0.11 percent on each self-employed individual's self-employment income.

(c)(1) The Department shall collect the contributions required pursuant to this section. The administrative and enforcement provisions of chapter 151 of this title shall apply to the contribution requirements under this section as if the contributions required pursuant to this section were Vermont income tax, except penalty and interest shall apply according to chapter 103 of this title.

(2) Employers shall be responsible for the full amount of any unpaid contributions due pursuant to subdivision (a)(1) of this section. Self-employed individuals shall be responsible for the full amount of any unpaid contributions

due pursuant to subdivision (a)(2) of this section.

§ 10554. CHILD CARE CONTRIBUTION SPECIAL FUND

(a) The Child Care Contribution Special Fund is created pursuant to chapter 7, subchapter 5 of this title and shall be administered by the Department for Children and Families and the Department of Taxes. Monies in the Fund may be expended by the Department of Taxes for the administration of the Child Care and Parental Leave Contribution created under this chapter; by the Department for Children and Families for benefits provided by the Child Care Financial Assistance Program established in 33 V.S.A. §§ 3512 and 3513, including the provision of incentive payments pursuant to 33 V.S.A. § 3515; and by the Departments for necessary costs incurred in administering the Fund. All interest earned on Fund balances shall be credited to the Fund.

(b) The Fund shall consist of:

(1) contributions collected or recovered pursuant to section 10553 of this title;

(2) any amounts transferred or appropriated to the Fund by the General Assembly; and

(3) any interest earned by the Fund.

(c) The Departments may seek and accept grants from any source, public or private, to be dedicated for deposit into the Fund.

Sec. 25. CHILD CARE CONTRIBUTION POSITIONS AND APPROPRIATION

(a) The establishment of the following 15 new permanent classified positions is authorized in the Department of Taxes in fiscal year 2024:

(1) eight full-time, classified tax examiners within the Taxpayer Services Division;

(2) two full-time, classified tax examiners within the Compliance Division;

(3) three full-time, classified tax compliance officers within the Compliance Division;

(4) one full-time, classified financial specialist III within the Revenue Accounting and Returns Processing Division; and

(5) one business analyst–tax within the VTax Division.

(b) In fiscal year 2024, the amount of \$4,200,000.00 is appropriated from the General Fund to the Department of Taxes to be used for the

implementation of the Child Care Contribution pursuant to 32 V.S.A. chapter 246 created by this act.

* * * Workers' Compensation * * *

Sec. 26. WORKERS' COMPENSATION RATE OF CONTRIBUTION

For fiscal year 2024, after consideration of the formula in 21 V.S.A. § 711(b) and historical rate trends, the General Assembly determines that the rate of contribution for the direct calendar year premium for workers' compensation insurance shall be 1.5 percent. The contribution rate for self-insured workers' compensation losses and workers' compensation losses of corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.

Sec. 27. 21 V.S.A. § 711 is amended to read:

§ 711. WORKERS' COMPENSATION ADMINISTRATION FUND

* * *

(b)(1) Annually, the General Assembly shall establish the rate of contribution for the direct calendar year premium for workers' compensation insurance. The rate shall equal the amount approved in the appropriations process for the program and the Department's projection of salary and benefit increases for that fiscal year, less the amount collected in the prior calendar year under subsection (a) of this section from self-insured workers' compensation losses and from corporations approved under this chapter, adjusted by any balance in the fund from the prior fiscal year, divided by the total direct calendar year premium for workers' compensation insurance for the prior year.

(2) In the event that the General Assembly does not establish the rate of contribution for the direct calendar year premium for workers' compensation insurance for a given fiscal year, the rate shall remain unchanged from the prior fiscal year.

Sec. 28. 2014 Acts and Resolves No. 199, Sec. 54b is amended to read:

Sec. 54b. 21 V.S.A. § 643a is added to read:

§ 643a. DISCONTINUANCE OF BENEFITS

Unless an injured worker has successfully returned to work, an employer shall notify both the Commissioner and the employee prior to terminating benefits under either section 642 or 646 of this title. The notice of intention to discontinue payments shall be filed on forms prescribed by the Commissioner and shall include the date of the proposed discontinuance, the reasons for it, and, if the employee has been out of work for 90 days, a verification that the employer offered vocational rehabilitation screening and services as required

under this chapter. All relevant evidence, including evidence that does not support discontinuance in the possession of the employer not already filed, shall be filed with the notice. The liability for the payments shall continue for seven days after the notice is received by the Commissioner and the employee. If the claimant disputes the discontinuance, the claimant may file with the Commissioner an objection to the discontinuance and seek an extension of 14 days. The objection to the discontinuance shall be specific as to the reasons and include supporting evidence. A copy of the objection shall be provided to the employer at the time the request is made to the Commissioner. ~~Those~~ The payments shall be made without prejudice to the employer and may be deducted from any amounts due pursuant to section 648 of this title if the Commissioner determines that the discontinuance is warranted or if otherwise ordered by the Commissioner. Every notice shall be reviewed by the Commissioner to determine the sufficiency of the basis for the proposed discontinuance. If, after review of all the evidence in the file, the Commissioner finds that a preponderance of all the evidence in the file does not reasonably support the proposed discontinuance, the Commissioner shall order that payments continue until a hearing is held and a decision is rendered. Prior to a formal hearing, an injured worker may request reinstatement of benefits by providing additional new evidence to the Department that establishes that a preponderance of all evidence now supports the claim. If the Commissioner's decision, after a hearing, is that the employee was not entitled to any or all benefits paid between the discontinuance and the final decision, upon request of the employer, the Commissioner may order that the employee repay all benefits to which the employee was not entitled. The employer may enforce a repayment order in any court of law having jurisdiction.

Sec. 29. 21 V.S.A. § 640b is amended to read:

§ 640b. REQUEST FOR PREAUTHORIZATION TO DETERMINE IF
PROPOSED TREATMENT IS BENEFITS ARE NECESSARY

(a) As used in this section, "benefits" means medical treatment and surgical, medical, and nursing services and supplies, including prescription drugs and durable medical equipment.

(b) Within 14 days ~~of~~ after receiving a written request for preauthorization for a proposed ~~medical treatment~~ benefits and medical evidence supporting the requested ~~treatment~~ benefits, a workers' compensation insurer shall do one of the following, in writing:

(1) authorize ~~Authorize~~ the ~~treatment~~ benefits and notify the health care provider, the injured worker, and the Department; ~~or,~~

~~(2)(A) deny~~ Deny the treatment benefits because the entire claim is disputed and the Commissioner has not issued an interim order to pay benefits; ~~or. The insurer shall notify the health care provider, the injured worker, and the Department of the decision to deny benefits.~~

~~(B)(3) deny~~ Deny the treatment benefits if, based on a preponderance of credible medical evidence specifically addressing the proposed treatment benefits, ~~it is the benefits are~~ unreasonable or, unnecessary, or unrelated to the work injury. The insurer shall notify the health care provider, the injured worker, and the Department of the decision to deny ~~treatment; or~~ benefits.

~~(3)(4) notify~~ Notify the health care provider, the injured worker, and the Department that the insurer has scheduled an examination of the employee pursuant to section 655 of this title or ordered a medical record review pursuant to section ~~655~~ 655a of this title. Based on the examination or review, the insurer shall authorize or deny the treatment benefits and notify the Department and the injured worker of the decision within 45 days ~~of~~ after a request for preauthorization. The Commissioner may, in ~~his or her~~ the Commissioner's sole discretion, grant a 10-day extension to the insurer to authorize or deny treatment benefits, and such an extension shall not be subject to appeal.

~~(b)(c)~~ If the insurer fails to authorize or deny the treatment benefits pursuant to subsection ~~(a)(b)~~ of this section within 14 days ~~of~~ after receiving a request, the claimant or health care provider may request that the Department issue an order authorizing treatment benefits. After receipt of the request, the Department shall issue an interim order within five days after notice to the insurer, and five days in which to respond, absent evidence that the entire claim is disputed. Upon request of a party, the Commissioner shall notify the parties that the ~~treatment has~~ benefits have been authorized by operation of law.

~~(e)(d)~~ If the insurer denies the preauthorization of the treatment benefits pursuant to subdivision ~~(a)(2) or (b)(2), (3), or (4)~~ of this section, the Commissioner may, on ~~his or her~~ the Commissioner's own initiative or upon a request by the claimant, issue an order authorizing the treatment benefits if ~~he or she~~ the Commissioner finds that the evidence shows that the ~~treatment is~~ benefits are reasonable, necessary, and related to the work injury.

Sec. 30. 21 V.S.A. § 643d is added to read:

§ 643d. WORK SEARCH; REQUIREMENTS; EXCEPTIONS

(a) An employer may require an employee who is receiving temporary disability benefits pursuant to section 646 of this chapter to engage in a good faith search for suitable work if:

(1) the injured employee is medically released to return to work, either with or without limitations;

(2) the employer has provided the injured employee with written notification that the employee is medically released to return to work and the notification describes any applicable limitations; and

(3) the employer cannot offer the injured employee work that the employee is medically released to do.

(b) An injured employee shall not be required to engage in a good faith search for suitable work if the employee:

(1) is already employed; or

(2) has been referred for or is scheduled to undergo one or more surgical procedures.

(c) An employer shall not require an injured employee to contact more than three employers per week as part of a good faith work search performed pursuant to this section.

Sec. 31. 21 V.S.A. § 646 is amended to read:

§ 646. TEMPORARY PARTIAL DISABILITY BENEFITS

(a)(1) Where the disability for work resulting from an injury is partial, during the disability and beginning on the eighth day thereof of the period of disability, the employer shall pay the injured employee a weekly compensation equal to the greater of:

(A) the difference between the amount the injured employee would be eligible to receive pursuant to section 642 of this chapter, including any applicable cost of living adjustment or dependency benefits that would be due, and the wage the injured employee earns during the period of disability; and

(B) two-thirds of the difference between his or her the injured employee's average weekly wage before the injury and the average weekly wage which he or she is able to earn thereafter amount the employee earns during the period of disability.

(2) Compensation paid pursuant to this subsection shall be adjusted on the first July 1 following the receipt of 26 weeks of benefits and annually on each subsequent July 1, so that the compensation continues to bear the same percentage relationship to the average weekly wage in the State as it did at the time of injury.

(b)(1) In addition to the amount paid pursuant to subsection (a) of this section, the employer shall pay the injured employee during the disability

\$20.00 per week for each dependent child under 21 years of age, provided that no other injured worker is receiving the same benefits on behalf of the dependent child or children.

(2) The amount allowed for dependent children shall be adjusted weekly to reflect the number of dependent children during each week of payment.

Sec. 32. 21 V.S.A. § 646 is amended to read:

§ 646. TEMPORARY PARTIAL DISABILITY BENEFITS

* * *

~~(b)(1) In addition to the amount paid pursuant to subsection (a) of this section, the employer shall pay the injured employee during the disability \$20.00 per week for each dependent child under 21 years of age, provided that no other injured worker is receiving the same benefits on behalf of the dependent child or children.~~

~~(2) The amount allowed for dependent children shall be adjusted weekly to reflect the number of dependent children during each week of payment. [Repealed.]~~

Sec. 33. 21 V.S.A. § 642 is amended to read:

§ 642. TEMPORARY TOTAL DISABILITY BENEFITS

~~(a)(1) Where the injury causes total disability for work, during such the disability, but not including the first three days, with the day of the accident to be counted as the first day, unless the employee received full wages for that day, the employer shall pay the injured employee a weekly compensation equal to two-thirds of the employee's average weekly wages, but~~

~~(2) The weekly compensation shall be in an amount that is not more than the maximum nor less than the minimum weekly compensation.~~

~~(3) Compensation paid pursuant to this subsection shall be adjusted on the first July 1 following the receipt of 26 weeks of benefits and annually on each subsequent July 1, so that the compensation continues to bear the same percentage relationship to the average weekly wage in the State as it did at the time of injury.~~

~~(b)(1) In addition, the injured employee, during the disability period shall receive \$10.00 a to the amount paid pursuant to subsection (a) of this section, the employer shall pay the injured employee during the disability \$20.00 per week for each dependent child who is unmarried and under the age of 21 years of age, provided that no other injured worker is receiving the same benefits on behalf of the dependent child or children. However, in no event shall an~~

(2) The amount allowed for the dependent children shall be adjusted weekly to reflect the number of dependent children during each week of payment.

(c) Notwithstanding any provision of subsection (a) or (b) of this section to the contrary:

(1) An employee's total weekly wage replacement benefits, including any payments for a dependent child, shall not exceed 90 percent of the employee's average weekly wage prior to applying any applicable cost of living adjustment. The amount allowed for dependent children shall be increased or decreased weekly to reflect the number of dependent children extant during the week of payment.

(2) If the total disability continues after the third day for a period of seven consecutive calendar days or more, compensation shall be paid for the whole period of the total disability.

Sec. 34. 21 V.S.A. § 642 is amended to read:

§ 642. TEMPORARY TOTAL DISABILITY BENEFITS

* * *

(b)(1) In addition to the amount paid pursuant to subsection (a) of this section, the employer shall pay the injured employee during the disability \$20.00 ~~\$10.00~~ per week for each dependent child who is under 21 years of age, provided that no other injured worker is receiving the same benefits on behalf of the dependent child or children.

* * *

Sec. 35. DEPENDENT BENEFIT INCREASE; IMPACT; REPORT

On or before January 15, 2027, the Commissioner of Labor, in consultation with the Commissioner of Financial Regulation, shall submit a written report to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development regarding the impact of the increase in the dependent benefit enacted pursuant to Secs. 31 and 33 of this act on the workers' compensation system. The report shall include an estimate of the number of claims that have received additional benefits as a result of the increase and the additional cost to the workers' compensation system of the additional dependent benefits.

Sec. 36. 21 V.S.A. § 650 is amended to read:

§ 650. PAYMENT; AVERAGE WAGE; COMPUTATION

* * *

(d)(1) Compensation computed pursuant to this section shall be adjusted annually on July 1, so that ~~such~~ the compensation continues to bear the same percentage relationship to the average weekly wage in the State as ~~computed under this chapter~~ as it did at the time of injury.

(2) Temporary total or temporary partial compensation shall first be adjusted on the first July 1 following the receipt of 26 weeks of benefits.

(3) Permanent total and permanent partial compensation shall be adjusted for each July 1 following the date of injury regardless of whether indemnity benefits were paid on each intervening July 1.

(e)(1) If weekly compensation benefits or weekly accrued benefits are not paid within 21 days after becoming due and payable pursuant to an order of the Commissioner, or in cases in which the overdue benefit is not in dispute, 10 percent of the overdue amount shall be added and paid to the employee, in addition to any amounts due pursuant to subsection (f) of this section and interest and any other penalties.

(2) In the case of an initial claim, benefits are due and payable upon entering into an agreement pursuant to subsection 662(a) of this title, upon issuance of an order of the Commissioner pursuant to subsection 662(b) of this title, or if the employer has not denied the claim within 21 days after the claim is filed.

(3) Benefits are in dispute if the claimant has been provided actual written notice of the dispute within 21 days ~~of~~ after the benefit being due and payable and the evidence reasonably supports the denial.

(4) Interest shall accrue and be paid on benefits that are found to be compensable during the period of nonpayment.

(5) The Commissioner shall promptly review requests for payment under this section and, consistent with subsection 678(d) of this title, shall allow for the recovery of reasonable attorney's fees associated with an employee's successful request for payment under this subsection.

(f)(1)(A) When benefits have been awarded or are not in dispute as provided in subsection (e) of this section, the employer shall establish a weekday on which payment shall be mailed or deposited and notify the claimant and the Department of that day. The employer shall ensure that each weekly payment is mailed or deposited on or before the day established.

(B) Payment shall be made by direct deposit to a claimant who elects that payment method. The employer shall notify the claimant of ~~his or her~~ the claimant's right to payment by direct deposit.

(2) If the benefit payment is not mailed or deposited on the day established, the employer shall pay to the claimant a late fee of \$10.00 or five percent of the benefit amount, whichever is greater, for each weekly payment that is made after the established day.

(3) As used in this subsection, "paid" means the payment is mailed to the claimant's mailing address or, in the case of direct deposit, transferred into the designated account. In the event of a dispute, proof of payment shall be established by affidavit.

Sec. 37. 21 V.S.A. § 678 is amended to read:

§ 678. COSTS; ATTORNEY'S FEES

~~(a) Necessary costs of proceedings under this chapter, including deposition expenses, subpoena fees, and expert witness fees, shall be assessed by the Commissioner against the employer or its workers' compensation carrier when the claimant prevails. The Commissioner may allow the claimant to recover reasonable attorney's fees when the claimant prevails. Costs shall not be taxed or allowed either party except as provided in this section.~~

(b)(1) When a claimant prevails in either a formal or informal proceeding under this chapter, the Commissioner shall award the claimant necessary costs incurred in relation to the proceeding, including deposition expenses, subpoena fees, and expert witness fees.

(2) The Commissioner may allow a claimant to recover reasonable attorney's fees when the claimant prevails.

(3) In cases for which a formal hearing is requested and the case is resolved prior to a formal hearing:

(A) the Commissioner may award reasonable attorney's fees if the claimant retained an attorney in response to an actual or effective denial of a claim and payments were made to the claimant as a result of the attorney's efforts; and

(B) the Commissioner shall award necessary costs if the claimant incurred the costs in response to an actual or effective denial of a claim and payments were made to the claimant as a result of the costs incurred.

(c)(1) In appeals to the Superior or Supreme Court, if the claimant prevails, he or she the claimant shall be entitled to reasonable attorney's fees as approved by the court; necessary costs, including deposition expenses, subpoena fees, and expert witness fees; and interest at the rate of 12 percent per annum on that portion of any award the payment of which is contested.

(2) Interest shall be computed from the date of the award of the Commissioner.

~~(e)~~(d) By January 1, 1999, and at least every five years thereafter, the Commissioner shall amend existing rules regarding reasonable attorney's fees awarded under subsection (a) of this section. In amending these rules, the Commissioner shall consider accessibility to legal services, appropriate inflation factors, and any other related factors consistent with the purposes of this chapter. In the event the Commissioner proposes no change in the rules in any five-year period, the Commissioner shall provide a written report to the Legislative Committee on Administrative Rules of the General Assembly explaining the reasons for not changing the rules.

~~(d) In cases for which a formal hearing is requested and the case is resolved prior to formal hearing, the Commissioner may award reasonable attorney's fees if the claimant retained an attorney in response to an actual or effective denial of a claim and thereafter payments were made to the claimant as a result of the attorney's efforts.~~

* * *

Sec. 38. ADOPTION OF RULES

The Commissioner of Labor shall, on or before July 1, 2024, adopt rules as necessary to implement the provisions of Secs. 30, 31, 32, 33, 34, 35, 37, and 38 of this act.

* * * Unemployment Insurance * * *

Sec. 39. 21 V.S.A. § 1301 is amended to read:

§ 1301. DEFINITIONS

~~The following words and phrases, as As used in this chapter, shall have the following meanings unless the context clearly requires otherwise:~~

* * *

(25) “Son,” “daughter,” and “child” include an individual’s biological child, foster child, adoptive child, stepchild, a child for whom the individual is listed as a parent on the child’s birth certificate, a legal ward of the individual, a child of the individual’s spouse, or a child that the individual has day-to-day responsibilities to care for and financially support.

(26) “Spouse” includes an individual’s domestic partner or civil union partner. As used in this subdivision, “domestic partner” means another individual with whom an individual has an enduring domestic relationship of a spousal nature, provided that the individual and the individual’s domestic partner:

- (A) have shared a residence for at least six months;
- (B) are at least 18 years of age;
- (C) are not married to, in a civil union with, or considered the domestic partner of another individual;
- (D) are not related by blood closer than would bar marriage under State law; and
- (E) have agreed between themselves to be responsible for each other's welfare.

Sec. 40. 21 V.S.A. § 1301 is amended to read:

§ 1301. DEFINITIONS

As used in this chapter:

* * *

(5) "Employer" includes:

(A) Any employing unit ~~which, after December 31, 1971~~ that in any calendar quarter in either the current or preceding calendar year paid for service in employment, as ~~hereinafter~~ pursuant to subdivision (6) of this section, wages of \$1,500.00 or more, or for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment, ~~as hereinafter defined,~~ at least one individual (irrespective of whether the same individual was in employment in each such day). When an employing unit described in either this subdivision or subdivision ~~(5)(B)~~ of this ~~section~~ subdivision (5), becomes an employer within any calendar year, it shall be subject to this chapter for the whole of ~~such~~ the calendar year.

(B)(i) Any employing unit for which service in employment for a religious, charitable, educational, or other organization as defined in subdivision (6)(A)(ix) of this section is performed after December 31, 1971~~½~~, except as provided in subdivision ~~(5)(C)~~ of this ~~section~~ subdivision (5).

* * *

(6)(A)(i) "Employment," subject to the other provisions of this subdivision (6), means service within the jurisdiction of this State, ~~performed prior to January 1, 1978, which was employment as defined in this subdivision prior to such date and, subject to the other provisions of this subdivision, service performed after December 31, 1977,~~ performed by an employee, as defined in subsections 3306(i) and (o) of the Federal Unemployment Tax Act, including service in interstate commerce, performed for wages or under any

contract of hire, written or oral, expressed or implied. Services partly within and partly ~~without~~ outside this State may by election as ~~hereinbefore~~ provided in subdivision (5)(E)(i) of this section be treated as if wholly within the jurisdiction of this State. ~~And whenever~~ If an employing unit ~~shall have~~ has elected to come under the provisions of a similar act of a state where a part of the services of an employee are performed, the Commissioner, upon ~~his or her~~ approval of said approving the election as to ~~any such~~ the employee, may treat the services covered by ~~said approved~~ the election as having been performed wholly ~~without~~ outside the jurisdiction of this State.

* * *

(ix) The term “employment” shall also include service for any employing unit ~~which is performed after December 31, 1971~~ by an individual in the employ of a religious, charitable, educational, or other organization ~~but only if:~~

(~~I~~) the service is excluded from “employment” as defined in the Federal Unemployment Tax Act solely by reason of ~~section~~ subdivision 3306(c)(8) of that act; ~~and~~

(~~II~~) ~~the organization had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.~~

* * *

Sec. 41. 21 V.S.A. § 1321 is amended to read:

§ 1321. CONTRIBUTIONS; TAXABLE WAGE BASE CHANGES

* * *

(c)(1) Financing benefits paid to employees of nonprofit organizations.

(A) Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subsection (c).

(B) ~~For the purposes of~~ As used in this subsection (c), a “nonprofit organization” is means an organization (~~or group of organizations~~), described in Section 501(c)(3) of the U.S. Internal Revenue Code ~~which that~~ is exempt from income tax under Section 501(a) of ~~sueh~~ the Internal Revenue Code.

(2) Liability for contributions and election of reimbursement. Any nonprofit organization ~~which that~~, pursuant to subdivision 1301(5)(B)(i) of this title chapter, is, or becomes, subject to this chapter ~~on or after January 1, 1972~~ shall pay contributions under the provisions of this section, unless it

elects, in accordance with this subsection, to pay to the Commissioner, for the Unemployment Insurance Trust Fund, an amount equal to the amount of regular benefits and of one-half of the extended benefits paid, that is attributable to service in the employ of ~~such~~ the nonprofit organization, to individuals for weeks of unemployment ~~which~~ that begin during the effective period of ~~such~~ the election.

(A) ~~Any nonprofit organization which is, or becomes, subject to this chapter on January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than one calendar year beginning with January 1, 1972 provided it files with the Commissioner a written notice of its election within the 30-day period immediately following such date or within a like period immediately following April 16, 1971, whichever occurs later.~~ [Repealed.]

(B) Any nonprofit organization ~~which~~ that becomes subject to this chapter ~~after January 1, 1972~~ may elect to become liable for payments in lieu of contributions for a period of not less than 12 months ~~beginning with the date on which such subjectivity begins~~ by filing a written notice of its election with the Commissioner not later than 30 days immediately following the date of the determination of ~~such~~ subjectivity that the organization is subject to this chapter.

(C) Any nonprofit organization ~~which~~ that makes an election in accordance with subdivisions (c)(2)(A) and subdivision (B) of this section ~~will subdivision (c)(2) shall~~ continue to be liable for payments in lieu of contributions until it files with the Commissioner a written notice terminating its election not later than 30 days prior to the beginning of the calendar year for which ~~such~~ the termination shall first be effective.

(D) Any nonprofit organization ~~which~~ that has been paying contributions under this chapter ~~for a period subsequent to January 1, 1972 may change to a reimbursable basis~~ elect to become liable for payments in lieu of contributions by filing with the Commissioner not later than 30 days prior to the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. ~~Such~~ An election under this subdivision (c)(2)(D) shall not be terminable by the organization for that year and the next year.

(E) The Commissioner may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive ~~but not any earlier than with respect to benefits paid after December 31, 1969.~~

(F) The Commissioner, in accordance with ~~such~~ any applicable rules as adopted by the Board ~~may prescribe~~, shall notify each nonprofit organization of any determination ~~which he or she may make of that the Commissioner makes with regard to~~ its status as an employer and ~~of the effective date of any election which it that the organization makes and of any termination of such an election.~~ ~~Such~~ The determinations shall be subject to reconsideration and to appeal and review in accordance with the provisions of section 1337a of this title.

(3) Reimbursement payments. Payments in lieu of contributions shall be made in accordance with the provisions of this subdivision, including either subdivision (A) or ~~subdivision (B)~~.

(A) At the end of each calendar quarter, or at the end of any other period as determined by the Commissioner, the Commissioner shall bill each nonprofit organization, or group of ~~such nonprofit~~ organizations, ~~which that~~ has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid during ~~such the~~ quarter or other prescribed period that is attributable to service in the employ of ~~such the~~ organization.

(B)(i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make ~~such~~ payments as provided in this subdivision (c)(3)(B). ~~Such method of payment~~ Payment pursuant to the provisions of this subdivision (c)(3)(B) shall become effective upon approval of the Commissioner.

(ii) At the end of each calendar quarter, the Commissioner shall bill each nonprofit organization approved to make payments pursuant to the provisions of this subdivision (c)(3)(B) for an amount representing ~~one of the following:~~

(I) ~~For 1972, two-tenths of one percent of its total payroll for 1971.~~

(II) ~~For years after 1972, such a~~ percentage of its total payroll for the immediately preceding calendar year as that the Commissioner shall determine. ~~The determination shall be determines to be appropriate based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.~~

(III) ~~For~~ The Commissioner may determine a different rate for any organization ~~which that~~ did not pay wages throughout the four calendar quarters of the preceding calendar year, ~~such percentage of its payroll during that year as the Commissioner shall determine.~~

(iii) At the end of each calendar year, the Commissioner may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

(iv) At the end of each calendar year, the Commissioner shall determine whether the total of payments for ~~such~~ the year made by a nonprofit organization is less than, or in excess of, the total amount of regular benefits plus one-half of the amount of extended benefits paid to individuals during ~~such~~ the taxable year based on wages attributable to service in the employ of ~~such~~ the organization. Each nonprofit organization whose total payments for ~~such~~ the year are less than the amount so determined shall be liable for payment of the unpaid balance to the Trust Fund in accordance with subdivision ~~(3)~~(C) of this ~~subsection~~ subdivision (c)(3). If the total payments exceed the amount so determined for the taxable year, all or a part of the excess shall, at the election of the nonprofit organization, be refunded from the Trust Fund or retained in the Trust Fund as part of the payments ~~which~~ that may be required for the next calendar year.

(C) Payment of any bill rendered under subdivision (2) ~~or~~ ~~subdivision (3)~~ of this subsection (c) or this subdivision (c)(3) shall be made not later than 30 days after the bill is mailed to the last known address of the nonprofit organization or is otherwise delivered to it, unless there has been an application for redetermination by the Commissioner or a petition for hearing before a referee in accordance with subdivision ~~(3)~~(E) of this ~~subsection~~ subdivision (c)(3).

(D) Payments made by any nonprofit ~~corporation~~ organization under the provisions of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.

(E)(i) The amount due specified in any bill from the Commissioner shall be conclusive on the organization unless, not later than 30 days after the date of the bill, the organization files an application for reconsideration by the Commissioner, or a petition for a hearing before a referee, setting forth the grounds for ~~such~~ the application or petition.

(ii) The Commissioner shall promptly review and reconsider the amount due specified in the bill and shall thereafter issue a redetermination in any case in which ~~such~~ an application for redetermination has been filed. Any such redetermination shall be conclusive on the organization unless, not later than 30 days after the date of the redetermination, the organization files a petition for a hearing before a referee, setting forth the grounds for the petition.

(iii) Proceedings on the petition for a hearing before a referee on the amount of a bill rendered under this section or a redetermination of ~~such~~ the amount shall be in accordance with the provisions of section 1331 of this title, and the decision of the referee shall be subject to the provisions of that section. Review of the decision of the referee by the Employment Security Board shall be in accordance with, and its decision shall be subject to, the provisions of section 1332 of this title.

(F) Any employer, including the State of Vermont ~~which, that~~ makes payments in lieu of contributions under this section shall be subject to the provisions of sections 1314, 1322, 1328, 1329, 1334, and 1336 of this title as follows:

(i) ~~that~~ The employer shall be liable for any reports as required by the Commissioner ~~may require~~ pursuant to sections 1314 and 1322 of this title;

(ii) ~~that~~ The employer shall be liable for any penalty imposed pursuant to sections 1314 and 1328 of this title;

(iii) ~~that~~ The employer shall be liable for the same interest on past due payments pursuant to subsection 1329(a) of this title;

(iv) ~~that~~ The employer shall be subject to a civil action for the collection of past due payments as if those payments were contributions pursuant to subsections 1329(b) and 1334(a) of this title; ~~and,~~

(v) ~~that~~ The employer shall be subject to ~~those~~ actions for the collection of past due payments as if those payments were contributions pursuant to subsections 1329(c) and (d), and 1334(b) and (c), and section 1336 of this title; however, those provisions shall not apply to the State of Vermont.

(4) Authority to terminate elections. If any nonprofit organization is delinquent in making payments in lieu of contributions as required under this subsection, the Commissioner may terminate ~~such~~ the organization's election to make payments in lieu of contributions as of the beginning of the next taxable year, and the termination shall be effective for that and the next taxable year.

(5) Allocation of benefit costs.

(A) Each employer that is liable for payments in lieu of contributions shall pay to the Commissioner for the Trust Fund the amount of regular benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of ~~such~~ the employer.

(B) If benefits paid to an individual are based on wages paid by more than one employer and one or more of ~~such~~ the employers are liable for

payments in lieu of contributions, the amount payable to the Trust Fund by each employer that is liable for such payments in lieu of contributions shall be determined in accordance with subdivisions (5)(A) and (B) of this subsection (e):

(A) ~~Proportionate allocation when fewer than all base-period employers are liable for reimbursement. If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which that bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such the employer bear to the total base-period wages paid to the individual by all of his or her the individual's base-period employers.~~

(B) ~~Proportionate allocation when all base-period employers are liable for reimbursement. If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by the employer bear to the total base-period wages paid to the individual by all of his or her base-period employers.~~

(6) Group accounts. Two or more employers that have become liable for payments in lieu of contributions, in accordance with the provisions of this section and section 1380 of this title, may file a joint application to the Commissioner for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such the employers. Each application shall identify and authorize a group representative to act as the group's agent for the purpose of this section. Upon ~~his or her~~ approval of the application, the Commissioner shall establish a group account for such the employers effective as of the beginning of the calendar quarter in which ~~he or she~~ the Commissioner receives the application and shall notify the group's representative of the effective date of the account. The account shall remain in effect for not less than two years and thereafter until terminated at the discretion of the Commissioner or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such the quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such the member in such the quarter bear to the total wages paid during such

~~the~~ quarter for service performed in the employ of all members of the group. The Board shall ~~prescribe regulations~~ adopt rules as it deems necessary with respect to applications for establishment, maintenance, and termination of group accounts that are authorized by this subdivision, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this ~~section~~ subsection by members of the group and the time and manner of such ~~the~~ the payments.

(7) ~~Notwithstanding any of the foregoing provisions of this section, any nonprofit organization that prior to January 1, 1969, paid contributions required by this section, and, pursuant to subsection (c) of this section, elects within 30 days after January 1, 1972, to make payments in lieu of contributions, shall not be required to make any such payment on account of any regular or extended benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which begin on and after the effective date of the election until the total amount of benefits equals the amount (1) by which the contributions paid by the organization with respect to the two-year period before the effective date of the election under subsection (b) of this section exceed (2) the total amount of unemployment benefits paid for the same period that were attributable to service performed in the employ of the organization and were charged to the experience rating record of the organization. [Repealed.]~~

* * *

(f) Any employer who makes payments in lieu of contributions under the provisions of this section is considered to be self-insuring and shall pay to the Commissioner for the Unemployment Compensation Trust Fund ~~such~~ any amounts as the Commissioner finds to be due under this chapter, including benefits paid but denied on appeal or benefits paid in error ~~which~~ that cannot be properly charged either against another employer who makes payments in lieu of contributions or against the experience-rating record of another employer who pays contributions. Benefits improperly paid where repayment by the claimant is ordered pursuant to subsection 1347(a) or (b) of this title will be credited to the employer's account when repayment from the claimant is actually received by the Commissioner.

Sec. 42. NONPROFIT AND MUNICIPAL REIMBURSABLE EMPLOYERS; EDUCATION; OUTREACH

(a) On or before October 1, 2023, the Commissioner of Labor, in consultation with the Vermont League of Cities and Towns, Common Good Vermont, United Way of Northwest Vermont, and other interested stakeholders, shall develop information and education materials for nonprofit and municipal employers regarding the unemployment insurance system. At a

minimum, the materials shall:

(1) explain the options available to nonprofit and municipal employers, including paying regular unemployment insurance contributions, reimbursing the Unemployment Insurance Trust Fund for attributable unemployment insurance costs, and, with respect to nonprofit employers, quarterly payments of estimated unemployment insurance costs;

(2) identify the potential benefits and drawbacks of each of the options identified in subdivision (1) of this subsection;

(3) provide information on how a nonprofit or municipal employer can evaluate its potential liability under each of the options identified in subdivision (1) of this subsection;

(4) provide information developed by the Vermont League of Cities and Towns, Common Good Vermont, United Way of Northwest Vermont, and other interested stakeholders regarding how a nonprofit or municipal employer can plan and budget for the potential expenses associated with each of the options identified in subdivision (1) of this subsection; and

(5) provide additional information regarding the Unemployment Insurance program and related laws that the Commissioner determines, in consultation with the Vermont League of Cities and Towns, Common Good Vermont, United Way of Northwest Vermont, and other interested stakeholders, to be helpful or necessary for nonprofit and municipal employers.

(b)(1) The informational and educational materials developed pursuant to subsection (a) of this section shall be made available on the Department's website and shall, in coordination with the Secretary of State, Common Good Vermont, United Way of Northwest Vermont, the Vermont League of Cities and Towns, and other interested stakeholders, be shared directly with Vermont nonprofit and municipal employers to the extent practicable.

(2) The Secretary of State shall assist the Commissioner of Labor in identifying and contacting all active Vermont nonprofit employers. The Office of the Secretary of State shall also make available on its website a link to the information and educational materials provided on the Department of Labor's website pursuant to this section.

(c) The Department of Labor, in collaboration with the Vermont League of Cities and Towns, Common Good Vermont, United Way of Northwest Vermont, and other interested stakeholders, shall hold one or more informational sessions to present the materials and information developed pursuant to subsection (a) of this section to nonprofit employers and municipal employers. At least one session shall be held on or before November 1, 2023.

Each session shall allow for both in-person and remote participation and shall be recorded. Recordings shall be made available to the public and to stakeholder organizations for distribution to their members.

Sec. 43. 2021 Acts and Resolves No. 183, Sec. 59(b)(6) is amended to read:

(6) Sec. 52g (prospective repeal of unemployment insurance benefit increase) shall take effect ~~upon the payment of a~~ when the cumulative total amount of additional benefits paid pursuant to 21 V.S.A. § 1338(e) ~~when,~~ compared to the rate at which benefits would have been paid under the formula set forth in 21 V.S.A. § 1338(e) on June 30, 2025 ~~equal to \$92,000,000.00,~~ plus the ~~difference between \$8,000,000.00 and the amount of additional benefits paid out pursuant to section 52b, if any,~~ compared to the amount that would have been paid pursuant to the provisions of 21 V.S.A. § 1338(f)(1) on June 30, 2022, equals \$100,000,000.00 and shall apply to benefit weeks beginning after that date.

Sec. 44. UNEMPLOYMENT DUE TO URGENT, COMPELLING, OR
NECESSITOUS CIRCUMSTANCES; COVERAGE; IMPACT;
REPORT

(a) On or before January 15, 2024, the Commissioner of Labor shall submit a written report prepared in consultation with the Joint Fiscal Office to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs regarding the potential impact of extending eligibility for unemployment insurance benefits to individuals who separate from employment due to urgent, compelling, or necessitous circumstances, including the individual's injury or illness, to obtain or recover from medical treatment, to escape domestic or sexual violence, to care for a child following an unexpected loss of child care, or to care for an ill or injured family member.

(b) The report shall include:

(1) a list of states in which individuals who separate from employment due to circumstances similar to those described in subsection (a) of this section are eligible for unemployment insurance and shall identify the specific circumstances for separation from employment in each identified state for which there is no waiting period or period of disqualification related to the circumstance;

(2) information, to the extent it is available, regarding the number of approved claims in the states identified pursuant to subdivision (1) of this subsection where the individual separated from employment due to circumstances similar to those described in subsection (a) of this section;

(3) an estimate of the projected range of additional approved claims per year in Vermont if individuals who separate from employment due to circumstances similar to those described in subsection (a) of this section are made eligible for unemployment insurance;

(4) an estimate of the range of potential impacts on the Unemployment Insurance Trust Fund of making individuals who separate from employment due to circumstances similar to those described in subsection (a) of this section eligible for unemployment insurance; and

(5) any recommendations for legislative action.

Sec. 45. DOMESTIC AND SEXUAL VIOLENCE SURVIVORS'
TRANSITIONAL EMPLOYMENT PROGRAM; UTILIZATION;
REPORT

On or before January 15, 2024, the Commissioner of Labor shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs regarding the utilization of the Domestic and Sexual Violence Survivors' Transitional Employment Program. The report shall include information regarding the utilization of the Program during the past 10 years, a summary of the Department's efforts to make members of the public aware of the Program and improve access to it, how the identified changes have impacted utilization of the Program in comparison to prior years, any potential ways to further increase awareness and utilization of the Program, and any suggestions for legislative action to improve awareness or utilization of the Program.

Sec. 46. 21 V.S.A. § 1256 is added to read:

§ 1256. NOTIFICATION TO THE PUBLIC

The Department shall take reasonable measures to provide information to the public about the Program, including publishing information on the Department's website and providing timely materials related to the Program to public agencies of the State and organizations that work with domestic and sexual violence survivors, including law enforcement, State's Attorneys, community justice centers, the Center for Crime Victim Services, the Vermont Network Against Domestic and Sexual Violence (the Network), and any others deemed appropriate by the Commissioner in consultation with the Network.

* * * Effective Dates * * *

Sec. 47. EFFECTIVE DATES

(a) Except as provided in subsection (b) of this section, this act shall take effect on July 1, 2023.

(b)(1) Sec. 3 (determination of weighted long-term membership and per pupil education spending) shall take effect on July 1, 2026, subject to the contingency provisions in Sec. 3a.

(2) Sec. 5 (Child Care Financial Assistance Program; eligibility), Sec. 6 (provider rate adjustment; Child Care Financial Assistance Program), and Sec. 9 (payment to providers) shall take effect on January 1, 2024, except that the Commissioner for Children and Families shall initiate any rulemaking necessary prior to that date in order to perform the Commissioner's duties under this act.

(3) Sec. 5a (Child Care Financial Assistance Program; eligibility) and Sec. 5d (fiscal year 2024; family contribution) shall take effect on April 1, 2024, except that the Commissioner for Children and Families shall initiate any rulemaking necessary prior to that date in order to perform the Commissioner's duties under this act.

(4) Sec. 5b (Child Care Financial Assistance Program; eligibility), Sec. 9a (payment to providers), and Sec. 10 (child care quality and capacity incentive program) shall take effect on July 1, 2024, except that the Commissioner for Children and Families shall initiate any rulemaking necessary prior to that date in order to perform the Commissioner's duties under this act.

(5) Sec. 5c (Child Care Financial Assistance Program; eligibility) shall take effect on October 1, 2024.

(6) Sec. 24 (Child Care Contribution) shall take effect on July 1, 2024.

(7) Secs. 26 (Workers' Compensation Administrative Fund rate of contribution) and 28 (extension prior to proposed discontinuance of workers' compensation benefits) shall take effect on passage.

(8) Sec. 40 (extension of unemployment insurance to small nonprofit employers) shall take effect on July 1, 2024.

(9) Secs. 32 and 34 (sunset of workers' compensation dependent benefit increases) shall take effect on July 1, 2028.

And that after passage the title of the bill be amended to read:

An act relating to child care, early education, workers' compensation, and unemployment insurance.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Reps. Wood of Waterbury, Brumsted of Shelburne, Garofano of Essex, Hyman of South Burlington, McGill of Bridport, Noyes of Wolcott, Pajala of Londonderry, and Whitman of Bennington** moved that the House concur in the Senate proposal of amendment with further proposal of amendment thereto as follows:

First: In Sec. 1, legislative intent, subdivision (6), by striking out “and” after the semicolon

Second: In Sec. 1, legislative intent, by inserting a new subdivision (7) after subdivision (6) to read as follows:

(7) recognize that family child care homes are a key resource for families in rural communities and allow for ongoing financial support to:

(A) enable parents to choose to send their children to family child care homes; and

(B) provide technical assistance to family child care homes to ensure high-quality child care services are accessible throughout the State; and

and by renumbering the remaining subdivision to be numerically correct.

Third: In Sec. 2, Prekindergarten Education Implementation Committee; plan, in subsection (a), by inserting a third sentence to read: “As used in this section, “child” or “children” means a child or children who are four years of age on the date by which the child’s school district requires kindergarten students to have attained five years of age or who are five years of age and not yet enrolled in kindergarten, unless otherwise specified.”

Fourth: In Sec. 2, Prekindergarten Education Implementation Committee; plan, in subsection (c), in the second sentence, by inserting after “2026” the following phrase: “, including transitioning children who are three years of age from the 10-hour prekindergarten benefit to child care and early education”

Fifth: In Sec. 2, Prekindergarten Education Implementation Committee; plan, in subsection (c), by striking out the sentence “The Committee’s analysis may yield distinct recommendations for different prekindergarten ages.” in its entirety

Sixth: In Sec. 24, 32 V.S.A. chapter 246, in section 10552, by striking out subdivision (4) in its entirety and inserting in lieu thereof a new subdivision (4) to read as follows:

(4) “Self-employed individual” means an individual who earns self-employment income.

Pending the question, Shall the House concur in the Senate proposal of amendment with further amendment thereto?, **Rep. Wood of Waterbury** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House concur in the Senate proposal of amendment with further amendment thereto?, was decided in the affirmative. Yeas, 118. Nays, 27.

Those who voted in the affirmative are:

Andrews of Westford	Dodge of Essex	Mihaly of Calais
Andriano of Orwell	Dolan of Essex Junction	Minier of South Burlington
Anthony of Barre City	Dolan of Waitsfield	Morris of Springfield
Arrison of Weathersfield	Durfee of Shaftsbury	Morrissey of Bennington
Arsenault of Williston	Elder of Starksboro	Mrowicki of Putney *
Austin of Colchester	Emmons of Springfield	Mulvaney-Stanak of Burlington *
Bartholomew of Hartland	Farlice-Rubio of Barnet	Nicoll of Ludlow
Bartley of Fairfax *	Galfetti of Barre Town *	Notte of Rutland City
Beck of St. Johnsbury	Garofano of Essex	Noyes of Wolcott
Berbeco of Winooski *	Goldman of Rockingham	Nugent of South Burlington
Birong of Vergennes	Graning of Jericho	O'Brien of Tunbridge
Black of Essex	Gregoire of Fairfield	Ode of Burlington
Bluemle of Burlington	Headrick of Burlington	Pajala of Londonderry
Bongartz of Manchester	Holcombe of Norwich	Patt of Worcester
Bos-Lun of Westminster	Hooper of Randolph	Pouech of Hinesburg
Boyden of Cambridge	Hooper of Burlington	Priestley of Bradford
Brady of Williston	Houghton of Essex Junction	Rachelson of Burlington
Brown of Richmond	Howard of Rutland City	Rice of Dorset
Brumsted of Shelburne	Hyman of South Burlington	Roberts of Halifax *
Burke of Brattleboro	James of Manchester *	Sammis of Castleton *
Burrows of West Windsor	Jerome of Brandon	Satcowitz of Randolph
Buss of Woodstock	Kornheiser of Brattleboro	Scheu of Middlebury
Campbell of St. Johnsbury	Krasnow of South Burlington	Sheldon of Middlebury
Carpenter of Hyde Park	LaBounty of Lyndon	Sims of Craftsbury
Carroll of Bennington	Lalley of Shelburne	Small of Winooski
Casey of Montpelier	LaLonde of South Burlington	Squirrell of Underhill
Chapin of East Montpelier	LaMont of Morristown	Stebbins of Burlington
Chase of Chester	Lanpher of Vergennes	Stevens of Waterbury
Chase of Colchester	Laroche of Franklin	Stone of Burlington
Chesnut-Tangerman of Middletown Springs *	Leavitt of Grand Isle	Surprenant of Barnard
Christie of Hartford	Lipsky of Stowe	Taylor of Colchester
Cina of Burlington	Logan of Burlington *	Templeman of Brownington
Coffey of Guilford *	Long of Newfane	Toleno of Brattleboro
Cole of Hartford	Marcotte of Coventry	Torre of Moretown
Conlon of Cornwall	Masland of Thetford	Troiano of Stannard *
Corcoran of Bennington	McCann of Montpelier	Waters Evans of Charlotte
Cordes of Lincoln	McCarthy of St. Albans City	White of Bethel
Demar of Enosburgh	McFaun of Barre Town *	Whitman of Bennington
Demrow of Corinth	McGill of Bridport *	Williams of Barre City
		Wood of Waterbury *

Those who voted in the negative are:

Branagan of Georgia	Harrison of Chittenden	Peterson of Clarendon
Brennan of Colchester	Higley of Lowell	Shaw of Pittsford
Burditt of West Rutland	Labor of Morgan *	Sibilia of Dover
Canfield of Fair Haven	Maguire of Rutland City	Smith of Derby
Clifford of Rutland City	Mattos of Milton *	Taylor of Milton *
Dickinson of St. Albans Town	McCoy of Poultney *	Toof of St. Albans Town *
Donahue of Northfield	Morgan of Milton *	Walker of Swanton
Goslant of Northfield	Oliver of Sheldon	Williams of Granby
Hango of Berkshire *	Page of Newport City	
	Parsons of Newbury	

Those members absent with leave of the House and not voting are:

Brownell of Pownal	Pearl of Danville
Graham of Williamstown	Wilson of Lyndon

Rep. Bartley of Fairfax explained her vote as follows:

“Madam Speaker:

On this day, childcare provider day, we’re passing one of the most influential pieces of legislation we could this session. We are growing our work force, supporting our economy, and providing more resources for our children, our future.”

Rep. Berbeco of Winooski explained her vote as follows:

“Madam Speaker:

You may have heard the enthusiasm in my voice when I cast my vote in favor of H.217. I strongly believe that access to childcare advances equity for all birthing people and as many members in this body spoke to tonight there are many facets to the social determinants of health that this bill will advance. I am happy that we have come to agreement on a long-term solution for parents, children, and our workforce of early childhood educators. I am also proud of the committees that have worked so hard on this bill. Thank you.”

Rep. Chesnut-Tangerman of Middletown Springs explained his vote as follows:

“Madam Speaker:

Childcare is not just an issue for parents. It affects every one of us because lack of it keeps people, primarily women, out of the workforce, reducing their contributions and achievements. It condemns other workers, mostly women, to low wages for performing critical and valuable services. It saddles businesses with the difficult task of juggling schedules, as workers struggle to

find childcare for their kids. It keeps shops and factories short staffed and struggling. I vote yes for all of us.”

Rep. Coffey of Guilford explained her vote as follows:

“Madam Speaker:

This bill is the result of many years of hard work, and takes monumental steps toward reforming our childcare system, investing in our future, and supporting the next generation of Vermont’s citizens. Childcare is essential to supporting Vermont’s children, families, communities, and economy. Today I am proud to vote yes to make a major difference for Vermont’s children, families, early childhood educators, childcare programs, and communities.”

Rep. Galfetti of Barre Town explained her vote as follows:

“Madam Speaker:

I voted yes on this bill because expanding childcare is an issue that I ran on and cannot wait. Access to childcare is also an integral part of workforce development. However, I am concerned that this tax will do little to produce more Bricks and Mortar centers. It also concerns me that small businesses with five or fewer employees are not exempted. We will hurt start-ups and growing businesses. I would caution this chamber that with the many expensive and ongoing programs that have been stood up with one time money this session and undoubtedly next, Vermonters pockets are going to run dry!”

Rep. Hango of Berkshire explained her vote as follows:

“Madam Speaker:

As the mother of four children, I know well the need for childcare. From my constituents, I understand the crisis that we are facing in our State. We certainly cannot expect our workforce to expand if families cannot access reliable, secure, high-quality care for their children. The Administration proposed a solid plan that would benefit families up to 400% of the Federal Poverty Level without raising any additional taxes and fees. If only we could have considered this proposal, the growing dread I feel over where we will come up with all of this money would not be weighing so heavily on me.”

Rep. James of Manchester explained her vote as follows:

“Madam Speaker:

When we invest in children, when we invest in families, when we invest in childcare, then we invest in businesses, communities – a thriving economy. I’m proud to support a bill that makes Vermont work...for all of us.”

Rep. Labor of Morgan explained his vote as follows:

“Madam Speaker:

Cannot split the bill. We raised four children. Recruitment and childcare were difficult and they are just not adequate for the demand.”

Rep. Logan of Burlington explained her vote as follows:

“Madam Speaker:

As a mother of two children who once struggled to find affordable, high quality early child education and care; a co-founder of a childcare cooperative; a childcare center administrator; a PhD student who wrote my dissertation on childcare policy; a published scholar; and now a policymaker, I am profoundly grateful and proud to vote yes on H.217.”

Rep. Mattos of Milton explained his vote as follows:

“Madam Speaker:

As the father to an almost four-month-old, who is about to head off to daycare next week for the first time, I deeply wanted to be able to support this bill. With a more than 8% increase in base spending in the State budget, I believe we could have found a way to fund a bill utilizing existing revenues.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

I do not believe anyone in this Chamber is against childcare. We all want childcare. The difference is how we provide childcare in an affordable, equitable way. The Governor’s recommend, which includes an additional fifty-six million dollars, makes us the second highest state in the nation for providing childcare services. The Governor’s plan does so without raising taxes or fees. With this bill, H.217, we jump to number one in the nation. The second smallest state, population-wise, spends the highest amount for childcare than the other forty-nine states. We all want childcare. We need to find an affordable path forward.”

Rep. McFaun of Barre Town explained his vote as follows:

“Madam Speaker:

Thank you. I voted yes because, over my fourteen years serving on the Human Services Committee, I learned well the struggles of young families trying to find affordable childcare and financial struggles of the early childcare education industry as a whole. It is time to face this issue head on, so that young families can find affordable childcare and the early childcare education industry can be stabilized. Affordable, safe, childcare also will be an

economic development tool by allowing members of young families to work if they choose. I thank the Human Services Committee and all the other committees that worked on this bill.”

Rep. McGill of Bridport explained her vote as follows:

“Madam Speaker:

There is a Greek proverb that speaks of how a society grows greater when people plant trees whose shade they will never sit in. My sister, Mariah McGill, devoted her life to solving the challenges faced by Vermont children and families and worked tirelessly to improve their lives. Most of her final years were spent helping to lay the groundwork and plant the saplings of this bill. While her absence is still felt heavily every day, it is an honor and a joy to be here and vote yes on this bill in her memory.”

Rep. Morgan of Milton explained his vote as follows:

“Madam Speaker:

Although I certainly agree wholeheartedly that we need to address the critical issue of childcare, the Governor gave us a plan that would have aided greatly with this dire need without raising taxes on working Vermonters.”

Rep. Mrowicki of Putney explained his vote as follows:

“Madam Speaker”

I vote yes to invest in our future, our children, and I dedicate my vote to my wife, an early educator, who started on this effort 30 years ago, working on the Worthy Wage campaign in Boston. It’s time to pay early educators a livable wage and invest in Vermonters and make childcare accessible and affordable.”

Rep. Mulvaney-Stanak of Burlington explained her vote as follows:

“Madam Speaker:

I proudly vote yes for H.217. It includes critical transformative policy to make childcare affordable for families and brings economic dignity to this critical profession. It also improves provisions within our workers' compensation and unemployment systems for workers. This is an important economic justice bill for families and all working people. I also proudly vote yes in honor of my 3-year-old and his incredible early educators.”

Rep. Roberts of Halifax explained his vote as follows:

“Madam Speaker:

Working families and families who want to be in Windham County and around Vermont are asking the Legislature to build the infrastructure of livability beyond the Governor’s risky program. I say 'risky' because it is

underfunded for the need. I am voting YES to support both public and private institutions in stepping up to deliver as essential an ingredient to a thriving community as childcare.”

Rep. Sammis of Castleton explained his vote as follows:

“Madam Speaker:

I support the concept of this bill...however, I urge extreme caution to this body on all future spending. Taxation should never be taken lightly because we’re topped out. Vermont, according to National Public Radio, ranks #4 out of all states in the entire country, even before the bills passed this session. Where will we rank after this session? The cost of living in Vermont is one of the highest in the country. Our young people are leaving the State, and our population, as well as our workforce, are aging out. The promises made in this body today better live up to expectations – because Vermonters can tolerate only so many more taxes. If we don’t respect Vermonters’ generosity, they will vote with their feet—and take the future (and tax revenue) of our State with them. We have a lot of work left to do. We have to take time and do it right.”

Rep. Taylor of Milton explained his vote as follows:

“Madam Speaker:

I tried to get myself to a yes on the childcare and pre-K portion of this bill repeatedly. Unfortunately, the included language that looks toward the reduction of current pre-K services for three-year-olds, a CCFAP upper threshold limit increase that I find to be too much, and the extra burden this will put on Vermont taxpayers were all hurdles I could not overcome.”

Rep. Toof of St. Albans Town explained his vote as follows:

“Madam Speaker:

I am voting no because Vermonters cannot afford the burden of these costs associated with H.217. The Governor proposed a plan that would have made historic investment in childcare, making us one of the most generous in the nation, without raising any new taxes or fees.”

Rep. Troiano of Stannard explained his vote as follows:

“Madam Speaker:

In my four years on the Human Services Committee we talked about funding childcare each year, trying to fund a little at a time with little success. It is now time to act. We can no longer wait to help our young families. Thanks to our committees’ hard work on this bill. I voted yes.”

Rep. Wood of Waterbury explained her vote as follows:

“Madam Speaker:

We are making an historic investment in the future of Vermont’s children, families, childcare providers, and workforce. I am proud to vote yes for the future of Vermont – a future that is a bit brighter tonight.”

Rules Suspended, House Actions Messaged to Senate Forthwith

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the House's actions on the following bills were ordered messaged to the Senate forthwith:

H. 217

House bill, entitled

An act relating to miscellaneous workers’ compensation amendments

S. 39

Senate bill, entitled

An act relating to compensation and benefits for members of the Vermont General Assembly

Recess

At six o'clock and thirty-six minutes in the evening, the Speaker declared a recess until the fall of the gavel.

At seven o'clock and forty-two minutes in the evening, the Speaker called the House to order.

**Rules Suspended, Immediate Consideration;
Senate Proposal of Amendment Concurred in**

H. 471

Appearing on the Notice Calendar, on motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to technical and administrative changes to Vermont’s tax laws

Was taken up for immediate consideration.

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

* * * Annual Link to Federal Statutes * * *

Sec. 1. 32 V.S.A. § 5824 is amended to read:

§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

The statutes of the United States relating to the federal income tax, as in effect on December 31, ~~2021~~ 2022, but without regard to federal income tax rates under 26 U.S.C. § 1, are hereby adopted for the purpose of computing the tax liability under this chapter and shall continue in effect as adopted until amended, repealed, or replaced by act of the General Assembly.

Sec. 2. 32 V.S.A. § 7402(8) is amended to read:

(8) “Laws of the United States” means the U.S. Internal Revenue Code of 1986, as amended through December 31, ~~2021~~ 2022. As used in this chapter, “Internal Revenue Code” has the same meaning as “laws of the United States” as defined in this subdivision. The date through which amendments to the U.S. Internal Revenue Code of 1986 are adopted under this subdivision shall continue in effect until amended, repealed, or replaced by act of the General Assembly.

* * * Taxation of Alcoholic Beverages * * *

Sec. 3. 32 V.S.A. § 9741 is amended to read:

§ 9741. SALES NOT COVERED

Retail sales and use of the following shall be exempt from the tax on retail sales imposed under section 9771 of this title and the use tax imposed under section 9773 of this title:

* * *

(10) Sales of meals or alcoholic beverages taxed or exempted under chapter 225 of this title, except alcoholic beverages under subdivision 9202(10)(D)(v) or (11)(B)(i) of this title, or any alcoholic beverages ~~provided~~ served for immediate consumption.

* * *

Sec. 4. 32 V.S.A. § 9202 is amended to read:

§ 9202. DEFINITIONS

As used in this chapter ~~unless the context clearly indicates a different meaning:~~

* * *

(10) “Taxable meal” means:

* * *

(D) “Taxable meal” ~~shall~~ does not include:

* * *

(v) Alcoholic beverages produced or manufactured by the restaurant or operator and sold in sealed containers for consumption off premises, provided the restaurant or operator is licensed to sell alcohol by the Department of Liquor and Lottery pursuant to 7 V.S.A. chapter 9.

(11)(A) ~~“Alcoholic beverages” means any malt beverages, vinous beverages, spirits, or fortified wines~~ has the same meaning as defined in 7 V.S.A. § 2 ~~and when served for immediate consumption.~~

(B) “Alcoholic beverages” shall be exempt from the tax imposed under section 9241 of this chapter when:

(i) produced or manufactured by a restaurant or operator and sold in sealed containers for consumption off premises, provided the restaurant or operator is licensed to sell alcohol by the Department of Liquor and Lottery pursuant to 7 V.S.A. chapter 9; or

(ii) served under the circumstances enumerated in subdivision (10)(D)(ii) of this section under which food or beverages or alcoholic beverages are excepted from the definition of “taxable meal.”

* * *

* * * Refunds; Meals and Rooms Tax; Local Option Tax * * *

Sec. 5. 32 V.S.A. § 9245 is amended to read:

§ 9245. OVERPAYMENT; REFUNDS

(a) Upon application by an operator, if the Commissioner determines that any tax, interest, or penalty has been paid more than once, or has been erroneously or illegally collected or computed, the same shall be credited by the Commissioner on any taxes then due from the operator under this chapter, and the balance shall be refunded to the operator or ~~his or her~~ the operator's successors, administrators, executors, or assigns, together with interest at the rate per annum established from time to time by the Commissioner pursuant to section 3108 of this title. That interest shall be computed from the latest of 45 days after the date the return was filed, 45 days after the date the return was due, including any extensions of time thereto, with respect to which the excess payment was made, or, if the taxpayer filed an amended return or otherwise requested a refund, 45 days after the date such amended return or request was filed. Provided, however, no such credit or refund shall be allowed after three years from the date the return was due.

(b) An operator must prove the following to be eligible for a refund under this section:

(1) that the tax was erroneously or illegally collected or computed; and

(2) that any erroneously or illegally collected or computed tax is or will be returned to the purchaser, unless the operator made the overpayment.

(c) A purchaser may seek a refund from the Department if the purchaser establishes that the tax was erroneously or illegally collected or computed. The Commissioner shall refund a purchaser in the same manner as under subsection (a) of this section.

Sec. 6. 24 V.S.A. § 138(c) is amended to read:

(c)(1) Any tax imposed under the authority of this section shall be collected and administered by the Department of Taxes, in accordance with State law governing such State tax or taxes and subdivision (2) of this subsection; provided, however, that a sales tax imposed under this section shall be collected on each sale that is subject to the Vermont sales tax using a destination basis for taxation. Except with respect to taxes collected on the sale of aviation jet fuel, a per-return fee of \$5.96 shall be assessed to compensate the Department for the costs of administration and collection, 70 percent of which shall be borne by the municipality, and 30 percent of which shall be borne by the State to be paid from the PILOT Special Fund. The fee shall be subject to the provisions of 32 V.S.A. § 605.

(2) Notwithstanding any other law or municipal charter to the contrary, if the Commissioner determines that local option tax was collected on a transaction in a municipality not authorized to impose local option tax under this section, the Commissioner shall either refund the erroneously collected tax pursuant to 32 V.S.A. chapter 233 or 225 or, if the purchaser cannot reasonably be determined, deposit the erroneously collected tax as required for State sales and use tax pursuant to 16 V.S.A. § 4025(a)(6) or State meals and rooms tax pursuant to 10 V.S.A. § 1388(a)(4), 16 V.S.A. § 4025(a)(4), and 32 V.S.A. § 435(b)(7).

* * * Report; Department of Taxes; Tax Refund Notice to Purchasers * * *

Sec. 7. REPORT; DEPARTMENT OF TAXES; TAX REFUND NOTICE
TO PURCHASERS

On or before January 15, 2024, the Department of Taxes shall submit a written report to the House Committees on Commerce and Economic Development and on Ways and Means and the Senate Committees on Economic Development, Housing and General Affairs and on Finance recommending legislative action to require licensed operators, restaurants, and vendors to notify purchasers of the occurrence of erroneously or illegally collected sales and use tax, meals and rooms tax, alcoholic beverages tax, and any associated local option tax by the license holder and the purchasers' right

to request a refund for overpayments. The Department's report shall include recommendations for legislative action regarding the following:

(1) a threshold based on a dollar amount or number of transactions, or both, exceeding which a licensed operator, restaurant, or vendor would be required to notify purchasers of erroneous or illegal tax collection by the license holder and the purchasers' right to request a refund from the license holder or the Department;

(2) options for the types, forms, and duration of time of the required notices;

(3) the role of the Department in identifying erroneous or illegal tax collection, alerting license holders of their notice requirements, and providing oversight of license holders' compliance with the required notices; and

(4) any other relevant considerations, including the tax information confidentiality requirements under 32 V.S.A. § 3102.

* * * Sales Tax Exemption; Advanced Wood Boilers * * *

Sec. 8. 2018 Acts and Resolves No. 194, Sec. 26b(a), as amended by 2019 Acts and Resolves No. 83, Sec. 14, is further amended to read:

(a) 32 V.S.A. § §§ 9741(52) (sales tax exemption for advanced wood boilers) and 9706(11) (statutory purpose; sales tax exemption for advanced wood boilers) shall be repealed on July 1, 2023 2024.

* * * Computer Assisted Property Tax Administration Program Fees * * *

Sec. 9. 32 V.S.A. § 3404 is amended to read:

§ 3404. CAPTAP FEES

(a) ~~The Director is authorized to charge fees for data processing and support services rendered to municipalities relative to the Computer Assisted Property Tax Administration Program (CAPTAP) as follows:~~

(1) ~~when the Department performs routine data processing for a municipality, \$1.75 per parcel;~~

(2) ~~when the Department performs data processing services in connection with a town reappraisal, \$2.00 per parcel; and~~

(3) ~~when the Department performs support, training, or consulting services for municipalities using CAPTAP at their own sites: \$350.00 per year for municipalities with fewer than 500 parcels; \$450.00 per year for municipalities with 500 to 1,000 parcels; \$550.00 per year for municipalities with 1,001 to 2,000 parcels; and \$650.00 per year for municipalities with more than 2,000 parcels.~~

~~(b) Pursuant to subdivision 603(2) of this title, these fees may be adjusted.~~

~~(c) The fees collected in subsection (a) of this section shall be credited to the CAPTAP fees special fund established and managed pursuant to chapter 7, subchapter 5 of this title, and shall be available to offset the costs of providing those services. [Repealed.]~~

Sec. 10. 32 V.S.A. § 3410 is amended to read:

§ 3410. MAINTENANCE OF DUPLICATE PROPERTY RECORDS

~~(a) To supplement and ensure the safekeeping of town records, the Director shall establish and maintain a central file of municipal grand lists. These grand lists shall be maintained at the office of the Division for a period of two years.~~

~~(b) The town clerks of each town and city shall provide the Director with one copy of the grand list at a reasonable charge.~~

~~(c) At a reasonable charge to be established by the Director, the Director shall supply to any person or agency a copy of any document contained in the file established under this section. [Repealed.]~~

* * * Current Use * * *

Sec. 11. 32 V.S.A. § 3756 is amended to read:

§ 3756. QUALIFICATION FOR USE VALUE APPRAISAL

(a) The owner of eligible agricultural land, farm buildings, or managed forestland shall be entitled to have eligible property appraised at its use value, provided the owner shall have applied to the Director on or before September 1 of the previous tax year, on a form provided by the Director. A farmer whose application has been accepted on or before December 31 by the Director of the Division of Property Valuation and Review of the Department of Taxes for enrollment for the use value program for the current tax year shall be entitled to have eligible property appraised at its use value if the farmer was prevented from applying on or before September 1 of the previous year due to the severe illness of the farmer.

(b) [Repealed.]

(c) The Director shall notify the applicant ~~no~~ not later than April 15 of ~~his or her~~ the Director's decision to classify or refusal to classify ~~his or her~~ the applicant's property as eligible for use value appraisal ~~by delivery of such notification to him or her in person or by mailing such notification to his or her last and usual place of abode.~~ In the case of a refusal, the Director shall state the reasons therefor in the notification.

* * *

(f) Each year the Director shall determine whether previously classified property is still eligible for use value appraisal and whether the amount of the previous appraisal is still valid. If the Director determines that previously classified property is no longer eligible, or that the property has undergone a change in use such that the use change tax may be levied in accordance with section 3757 of this chapter, or that the use value appraisal should be fixed at a different amount than the previous year, ~~he or she~~ the Director shall thereafter notify the property owner of that determination ~~by delivery of the notification to him or her in person or by mailing such notification to his or her last and usual place of abode.~~

* * *

(h) ~~By~~ On or before March 15, the Director shall ~~mail~~ provide to each municipality a list of property in the municipality that is to be taxed based on its use value appraisal. The list shall include the owners' names, a grand list number or description of each parcel of land to be appraised at use value, the acreage to be taxed on the basis of use value, the use values to be used for land, and the number and type of farm buildings to be appraised by the assessing officials at use value. The assessing officials shall determine the listed value of the land to be taxed at use value and its estimated fair market value, and fill in these values and the difference between them on the form. This form shall be used by the Treasurer or the collector of current taxes to make up tax bills such that the owner is billed only for taxes due on ~~his or her~~ the owner's property not enrolled in the program, plus taxes due on the use value of property enrolled in the program. The assessing officials shall submit the completed form to the Director ~~by~~ on or before July 5.

* * *

(2)(A) The Director shall remove from use value appraisal an entire parcel or parcels of agricultural land and farm buildings identified by the Secretary of Agriculture, Food and Markets as being used by a person:

* * *

(B) The Director shall notify the owner that agricultural land or a farm building has been removed from use value appraisal by mailing providing notification of removal to the owner ~~or operator's last and usual place of abode.~~ After removal of agricultural land or a farm building from use value appraisal under this section, the Director shall not consider a new application for use value appraisal for the agricultural land or farm building until the Secretary of Agriculture, Food and Markets submits to the Director a certification that the owner or operator of the agricultural land or farm

building is complying with the water quality requirements of 6 V.S.A. chapter 215 or an order issued under 6 V.S.A. chapter 215. After submission of a certification by the Secretary of Agriculture, Food and Markets, an owner or operator shall be eligible to apply for enrollment of the agricultural land or farm building according to the requirements of this section.

* * *

Sec. 12. 32 V.S.A. § 3757(m) is added to read:

(m) Land owned or acquired by a Native American tribe or a nonprofit organization that qualifies for an exemption under subdivision 3802(21) of this title shall be exempt from the levy of a land use change tax under this section.

* * * Property Transfer Tax; Controlling Interests; Nonprofits * * *

Sec. 13. 32 V.S.A. § 9603 is amended to read:

§ 9603. EXEMPTIONS

The following transfers are exempt from the tax imposed by this chapter:

* * *

(14)(A) Transfers to organizations qualifying under 26 U.S.C. § 501(c)(3), as amended, and that prior to the transfer have been determined to meet the “public support” test of 26 U.S.C. § 509(a)(2), as amended, provided one of the stated purposes of the organization is to acquire property or rights and less than fee interest in property in order to preserve farmland or open-space land, and provided that the property transferred, or rights and interests in the property, will be held by the organization for this purpose. As used in this section, “farmland” means real estate that will be actively operated or leased as part of a farm enterprise, including dwellings and agricultural structures, and “open-space land” shall mean means land without structures thereon.

* * *

(C)(i) Transfers from one organization qualifying under 26 U.S.C. § 501(c)(3), as amended, to another organization qualifying under 26 U.S.C. § 501(c)(3), provided the organizations are related organizations and the Commissioner does not determine that a major purpose of the transaction is to avoid the tax imposed under this chapter. As used in this subdivision (C), “related organizations” means one organization holds 50 percent or more of the membership interest of the other organization or one organization appoints or elects, including the power to remove and replace, 50 percent or more of the members of the other organization’s governing body.

(ii)(I) Notwithstanding subdivision (i) of this subdivision (C), a transferee organization that receives property in a transfer exempt under

subdivision (i) of this subdivision (C) shall pay the tax imposed under this chapter on the value of the property transferred if:

(aa) not more than three years after the date of the first transfer, the transferee subsequently transfers any portion of the property;

(bb) the second transfer is not exempt under subdivision (i) of this subdivision (C) as a transfer between related organizations; and

(cc) the Commissioner determines that a major purpose of the transaction is to avoid the tax imposed under this chapter.

(II) The tax imposed under this subdivision (C)(ii) on the value of the property transferred at the time of the first transfer shall be due not later than 30 days after the second transfer and shall apply in addition to any tax due under this chapter from the subsequent transferee on the second transfer.

* * *

* * * Personal Income Tax Credits * * *

Sec. 14. 32 V.S.A. § 5828c is amended to read:

§ 5828c. CHILD AND DEPENDENT CARE CREDIT

A resident or part-year resident of this State shall be eligible for a refundable credit against the tax imposed under section 5822 of this title. The credit shall be equal to 72 percent of the federal child and dependent care credit allowed to the taxpayer for the taxable year for child or dependent care services ~~provided in this State.~~ The amount of the credit for a part-year resident shall be multiplied by the percentage that the individual's income that is earned or received during the period of the individual's residency in this State bears to the individual's total income.

Sec. 15. 32 V.S.A. § 5828b(a) is amended to read:

(a) A resident individual or part-year resident individual who is entitled to an earned income tax credit granted under the laws of the United States or who would have been entitled to an earned income tax credit under the laws of the United States but for the fact that the individual, the individual's spouse, or one or more of the individual's children does not have a qualifying taxpayer identification number shall be entitled to a credit against the tax imposed for each year by section 5822 of this title. The credit shall be 38 percent of the earned income tax credit granted to the individual under the laws of the United States or that would have been granted to the individual under the laws of the United States but for the fact that the individual, the individual's spouse, or one or more of the individual's children does not have a qualifying taxpayer identification number, multiplied by the percentage that the individual's

earned income that is earned or received during the period of the individual's residency in this State bears to the individual's total earned income.

Sec. 16. 32 V.S.A. § 5830f(a) is amended to read:

(a) A resident individual or part-year resident individual who is entitled to a child tax credit under the laws of the United States or who would have been entitled to a child tax credit under the laws of the United States but for the fact that the individual or the individual's spouse does not have a taxpayer identification number shall be entitled to a refundable credit against the tax imposed by section 5822 of this title for the taxable year. The total credit per taxable year shall be in the amount of \$1,000.00 per qualifying child, as defined under 26 U.S.C. § 152(c) but notwithstanding the taxpayer identification number requirements under 26 U.S.C. § 24(e) and (h)(7), who is five years of age or younger as of the close of the calendar year in which the taxable year of the taxpayer begins. For a part-year resident individual, the amount of the credit shall be multiplied by the percentage that the individual's income that is earned or received during the period of the individual's residency in this State bears to the individual's total income.

Sec. 17. 32 V.S.A. § 5830 is added to read:

§ 5830. TAXPAYER IDENTIFICATION NUMBERS; CREDITS

(a) The Commissioner shall provide a process for an individual to claim the child tax credit or the earned income tax credit, or both, pursuant to subsections 5828b(a) and 5830f(a) of this title when the individual, the individual's spouse, or one or more of the individual's qualifying children does not have a taxpayer identification number. The Commissioner shall not inquire about or record the citizenship and immigration status of an individual, an individual's spouse, or one or more of an individual's qualifying children when an individual claims one or more credits pursuant to this section and subsections 5828b(a) and 5830f(a) of this title.

(b) Upon the Commissioner's request, an individual who claims one or more credits pursuant to subsections 5828b(a) and 5830f(a) of this title shall provide valid documents establishing the identity and income for the taxable year of the individual and, as applicable, the individual's spouse and qualifying children. Upon receiving a valid Social Security number issued by the Social Security Administration, the individual shall notify the Commissioner in the time and manner prescribed by the Commissioner.

(c) All claims submitted and records created pursuant to this section and subsections 5828b(a) and 5830f(a) of this title shall be exempt from public inspection and copying under the Public Records Act 1 V.S.A. § 317(c)(6) and shall be kept confidential as return or return information pursuant to section

3102 of this title.

Sec. 18. 32 V.S.A. § 5830f(d) is added to read:

(d)(1) The Commissioner shall establish a program to make advance quarterly payments of the credit under this section during the calendar year that, in the aggregate, equal 50 percent of the annual amount of the credit allowed to each individual for the taxable year. The quarterly payments made to an individual during the calendar year shall be in equal amounts, except that the Commissioner may modify the quarterly amount upon receipt of any information furnished by the individual that allows the Commissioner to determine the annual amount. The remaining 50 percent of the annual amount of the credit allowed to each individual shall be determined at the time of filing a Vermont personal income tax return for the taxable year pursuant to section 5861 of this title.

(2) The Commissioner shall provide a process by which individuals may elect not to receive advance payments under this subsection.

* * * Pass-throughs; Composite Payment Rate for Nonresidents * * *

Sec. 19. 32 V.S.A. § 5914(b) is amended to read:

(b) The Commissioner may upon request and for ease of administration permit S corporations to file composite returns and to make composite payments of tax on behalf of some or all of its nonresident shareholders. In addition, the Commissioner may require an S corporation that has in excess of 50 nonresident shareholders to file composite returns and to make composite payments at the ~~middle~~ second-highest marginal rate on behalf of all of its nonresident shareholders.

Sec. 20. 32 V.S.A. § 5920(b) is amended to read:

(b) The Commissioner may permit a partnership or limited liability company to file composite returns and to make composite payments of tax on behalf of some or all of its nonresident partners or members. In addition, the Commissioner may require a partnership or limited liability company that has in excess of 50 nonresident partners or members to file composite returns and to make composite payments at the ~~middle~~ second-highest marginal rate on behalf of all of its nonresident partners or members.

* * * Property Tax Valuation; Qualified Rental Units; VHFA Certificate * * *

Sec. 21. 32 V.S.A. § 5404a(a) is amended to read:

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

* * *

(6) An exemption of a portion of the value of a qualified rental unit parcel. An owner of a qualified rental unit parcel shall be entitled to an exemption on the education property tax grand list of 10 percent of the grand list value of the parcel, multiplied by the ratio of square footage of improvements used for or related to residential rental purposes to total square footage of all improvements, multiplied by the ratio of qualified rental units to total residential rental units on the parcel. "Qualified rental units" means residential rental units that are subject to rent restriction under provisions of State or federal law, but excluding units subject to rent restrictions under only one of the following programs: Section 8 moderate rehabilitation, Section 8 housing choice vouchers, or Section 236 or Section 515 rural development rental housing. A municipality shall allow the percentage exemption under this subsection upon presentation by the taxpayer to the municipality, by April 1, of a certificate of education grand list value exemption obtained from the Vermont Housing Finance Agency (VHFA). VHFA shall issue a certificate of exemption upon presentation by the taxpayer of information that VHFA and the Commissioner shall require. A certificate of exemption issued by VHFA under this subsection shall expire upon transfer of the building, upon expiration of the rent restriction, or after 10 years, whichever first occurs. ~~The; provided, however, that the~~ certificate of exemption may be renewed ~~once~~ after 10 years and every 10 years thereafter if VHFA finds that the property continues to meet the requirements of this subsection.

* * * Property Tax Credit; Filing Deadlines * * *

Sec. 22. 32 V.S.A. § 6068 is amended to read:

§ 6068. APPLICATION AND TIME FOR FILING

(a) A property tax credit claim or request for allocation of an income tax refund to homestead property tax payment shall be filed with the Commissioner on or before the due date for filing the Vermont income tax return, without extension, and shall describe the school district in which the homestead property is located and shall particularly describe the homestead property for which the credit or allocation is sought, including the school parcel account number prescribed in subsection 5404(b) of this title. A renter credit claim shall be filed with the Commissioner on or before the due date for filing the Vermont income tax return, without extension.

(b) If the claimant fails to file a timely claim, the amount of the property tax credit under this chapter shall be reduced by \$15.00, but not below \$0.00, which shall be paid to the municipality for the cost of issuing an adjusted homestead property tax bill. ~~No benefit shall be allowed in the calendar year~~

~~unless the claim is filed with the Commissioner on or before October 15. If the claimant files a claim after October 15 but on or before March 15 of the following calendar year, the property tax credit under this chapter:~~

(1) shall be reduced in amount by \$150.00, but not below \$0.00;

(2) shall be issued directly to the claimant; and

(3) shall not require the municipality where the claimant's property is located to issue an adjusted homestead property tax bill.

(c) No request for allocation of an income tax refund or for a renter credit claim may be made after October 15. No property tax credit claim may be made after March 15 of the calendar year following the due date under subsection (a) of this section.

* * * Vermont Bond Bank * * *

Sec. 23. 24 V.S.A. chapter 119 is redesignated to read:

CHAPTER 119. MUNICIPAL VERMONT BOND BANK

Sec. 24. 24 V.S.A. § 4551 is amended to read:

§ 4551. DEFINITIONS

~~The following definitions shall apply throughout~~ As used in this chapter unless the context clearly requires otherwise:

(1) "Bank" means the Vermont ~~Municipal~~ Bond Bank established by section 4571 of this title.

* * *

(7) "Municipal bond" means a bond or note or evidence of debt or financing arrangement of a governmental unit, including a bond, note, or evidence of debt, constituting a general obligation of a governmental unit, but does not include any bond or note or evidence of debt issued by any other state or any public body or municipal corporation thereof.

* * *

(10) "Public body" means any public body corporate and politic or any political subdivision of the State established under any law of the State ~~that may issue its bonds or notes, whether heretofore or hereafter established.~~

(11) "Reserve Fund" means the Vermont ~~Municipal~~ Bond Bank Reserve fund established under section 4671 of this title.

* * *

(13) “Revenue bond” means a bond or note or evidence of debt constituting an obligation or financing arrangement of a governmental unit authorized under laws of the State and payable solely out of the earnings or profits derived, or to be derived, from the operation of a public utility, authorized and issued in accordance with subchapter 2 of chapter 53 of this title from revenues derived from the financed asset, enterprise funds, or other specified revenues and the earnings thereon.

(14) “Revenue Bond Reserve Fund” means the Vermont Municipal Bond Bank Revenue Bond Reserve Fund established under section 4681 of this title.

(15) “Revenue Fund” means the Vermont Municipal Bond Bank Revenue Fund established under section 4683 of this title.

Sec. 25. 24 V.S.A. § 4571 is amended to read:

§ 4571. ESTABLISHMENT

There is hereby established a body corporate and politic, with corporate succession, to be known as the “Vermont Municipal Bond Bank.” The Bank is hereby constituted as an instrumentality exercising public and essential governmental functions, and the exercise by the Bank of the powers conferred by this chapter are deemed to be an essential governmental function of the State.

Sec. 26. 24 V.S.A. § 4571a is amended to read:

§ 4571a. REPORTS

The Vermont Municipal Bond Bank shall prepare and submit, consistent with 2 V.S.A. § 20(a), a report on activities for the preceding calendar year, pursuant to section 4594 of this title.

Sec. 27. 24 V.S.A. § 4592 is amended to read:

§ 4592. SUPPLEMENTARY POWERS

The Bank, in addition to any other powers granted in this chapter, has the following powers:

* * *

(3) To establish any terms and provisions with respect to any loan to governmental units through the purchase of municipal bonds or revenue bonds by the Bank, including date and maturities of the bonds, provisions as to redemption or payment prior to maturity, and any other matters which that are necessary, desirable, or advisable in the judgment of the Bank.

* * *

(10) To issue bonds, other forms of indebtedness, or other financing obligations or arrangements for projects relating to renewable energy, as defined in 30 V.S.A. § 8002(17), or to energy efficiency, climate adaptation, and projects under subchapter 2 of chapter 87 of this title. ~~Bonds shall be supported by both the general obligation and the assessment payment revenues of the participating municipality that otherwise result in the reduction of greenhouse gas emissions.~~

Sec. 28. 24 V.S.A. § 4652 is amended to read:

§ 4652. WAIVER OF DEFENSES; RIGHTS OF HOLDER

On the sale and issuance of any municipal bonds or revenue bonds to the Bank by any governmental unit, that governmental unit is deemed to agree that on the failure of that governmental unit to pay interest or principal on any of the municipal bonds or revenue bonds owned or held by the Bank when payable, all defenses to nonpayment are waived; and further, with respect to municipal bonds that constitute general obligation bonds supported by the full faith and credit of the municipality, upon nonpayment and demand on that governmental unit for payment, if funds are not available in its treasury to make payment, the governing body of that governmental unit shall forthwith assess a tax on the grand list of the governmental unit, sufficient to make payment with 12 percent interest thereon, and cause the tax to be collected within 60 days; and further, with respect to municipal bonds that do not constitute general obligation bonds supported by the full faith and credit of the municipality and revenue bonds, upon nonpayment and demand on that governmental unit for payment, such governmental unit shall make payment together with interest thereon of 12 percent, which shall be due and payable within 60 days; and further, notwithstanding any other law, including any law under which the municipal bonds or revenue bonds were issued by that governmental unit, the Bank upon nonpayment is constituted a holder or owner of the municipal bonds or revenue bonds as being in default. Also, notwithstanding any other law as to time or duration of default or percentage of holders or owners of bonds entitled to exercise rights of holders or owners of bonds in default, or to invoke any remedies or powers thereof or of any trustee in connection therewith or of any board, body, agency, or commission of the State having jurisdiction in the matter or circumstance, the Bank may thereupon avail itself of all other remedies, rights, and provisions of law applicable in that circumstance, and the failure to exercise or exert any rights or remedies within any time or period provided by law may not be raised as a defense by the governmental unit. All of the bonds of the issue of municipal bonds or revenue bonds of a governmental unit on which there is nonpayment, are for all of the purposes of this section deemed to be due and payable and unpaid. The Bank may carry out the provisions of this section and exercise all

of the rights and remedies and provisions of law provided or referred to in this section.

Sec. 29. 24 V.S.A. § 4676 is amended to read:

§ 4676. GENERAL FUND

* * *

(b) Any monies in the General Fund may, subject to any contracts between the Bank and its bondholders or noteholders, be transferred to the Reserve Fund established pursuant to section 4671 of this title, or if not so transferred, shall be used for the payment of the principal of or interest on bonds or notes of the Bank presently outstanding and any bonds or notes on a parity therewith, and any bonds or notes issued to refund such bonds or notes, all when they become due and payable, whether at maturity or upon redemption including payment of any premium upon redemption prior to maturity, and any monies in the General Fund may be used ~~for the purchase of municipal bonds to make loans to governmental units under this chapter~~ and for all other purposes of the Bank including payment of its operating expenses.

Sec. 30. 24 V.S.A. § 4683 is amended to read:

§ 4683. REVENUE FUND

(a) The Bank shall establish and maintain a fund called the “Revenue Fund” in which there shall be deposited:

* * *

(3) monies received by the Bank as payments of principal of or interest on municipal bonds or revenue bonds purchased by the Bank, or received as proceeds of sale of any municipal bonds or revenue bonds or investment obligations of the Bank, or otherwise in repayment of loans made by the Bank, or received as proceeds of sale of bonds or notes of the Bank, and required under the terms of any resolution of the Bank or contract with the holders of its bonds or notes to be deposited therein;

* * *

(b) Any monies in the Revenue Fund may, subject to any contracts between the Bank and its bondholders or noteholders, be transferred to the Revenue Bond Reserve Fund, or if not so transferred, shall be used for the payment of the principal of or interest on bonds or notes of the Bank as provided by resolution of the Bank when they become due and payable, whether at maturity or upon redemption including payment of any premium upon redemption prior to maturity, and any monies in the Revenue Fund may be used ~~for the purchase of municipal bonds and revenue bonds~~ for making loans

to governmental units under this chapter and for all other purposes of the Bank including payment of its operating expenses.

Sec. 31. 24 V.S.A. § 4703 is amended to read:

§ 4703. POWERS OF TRUSTEE ON DEFAULT

A trustee appointed under section 4702 of this title may, and shall in ~~his or her or it's~~ the trustee's name, upon written request of the holders of 25 per centum in principal amount of the outstanding notes or bonds:

(1) By suit, action, or proceeding, enforce all rights of the noteholders or bondholders, including the right to require the Bank to collect rates, charges, and other fees and to collect interest and amortization payments on loans made to governmental units and on municipal bonds, revenue bonds, and notes held by it adequate to carry out any agreement as to, or pledge of, the rates, charges, and other fees and of the interest and amortization payments, and to require the Bank to carry out any other agreements with the holders of the notes or bonds and to perform its duties under this chapter;

* * *

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

Sec. 32. FINANCING PUBLIC INFRASTRUCTURE IMPROVEMENTS;
JOINT FISCAL OFFICE; REPORT

(a) On or before January 15, 2024, the Joint Fiscal Office shall submit a report to the House Committee on Ways and Means and the Senate Committee on Finance on financing public infrastructure improvements in Vermont municipalities. The report shall include the following:

(1) a review of public infrastructure financing programs in other states and municipalities that may be implemented in Vermont;

(2) recommendations for aligning State and federal assistance for public infrastructure; and

(3) recommendations for harmonizing or expanding existing infrastructure improvement programs and distribution of funding.

(b) The Joint Fiscal Office is authorized to submit the report described in subsection (a) of this section in the form of an issue brief or hire a consultant to perform the research and draft the report. If a consultant is hired, then the Joint Fiscal Office may use an amount not to exceed \$50,000.00 for any associated costs from legislative funds.

* * * Tax Increment Financing * * *

Sec. 33. 24 V.S.A. § 1891 is amended to read:

§ 1891. DEFINITIONS

~~When~~ As used in this subchapter:

* * *

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

* * *

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

* * *

Sec. 34. 24 V.S.A. § 1895 is amended to read:

§ 1895. ORIGINAL TAXABLE VALUE

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

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

Sec. 35. 24 V.S.A. § 1896 is amended to read:

§ 1896. TAX INCREMENTS

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

* * *

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

Sec. 36. 32 V.S.A. § 5404a is amended to read:

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

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

* * *

(b)(1) An agreement affecting the education property tax grand list defined under subsection (a) of this section shall reduce the municipality's education property tax liability under this chapter for the duration of the agreement or exemption without extension or renewal, and for a maximum of 10 years. A municipality's property tax liability under this chapter shall be reduced by any difference between the amount of the education property taxes collected on the subject property and the amount of education property taxes that would have been collected on such property if its fair market value were taxed at the equalized nonhomestead rate for the tax year.

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

* * *

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

* * *

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

* * *

Sec. 37. TAX INCREMENT FINANCING DISTRICT; CITY OF BARRE;
EXTENSION; INCREMENT

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

(b) Notwithstanding any other provision of law, the authority of the City of Barre to retain municipal and education tax increment is hereby extended until June 30, 2039.

Sec. 38. 2020 Acts and Resolves No. 111, Sec. 1 is amended to read:

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

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

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

(2) retain municipal and education tax increment is hereby extended until June 30, 2036.

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

Sec. 39. 2016 Acts and Resolves No. 157, Sec. H.12, as amended by 2022 Acts and Resolves No. 164, Sec. 5, is further amended to read:

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

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

* * * Workers' Compensation * * *

Sec. 40. WORKERS' COMPENSATION RATE OF CONTRIBUTION

For fiscal year 2024, after consideration of the formula in 21 V.S.A. § 711(b) and historical rate trends, the General Assembly determines that the rate of contribution for the direct calendar year premium for workers' compensation insurance shall be 1.5 percent. The contribution rate for self-insured workers' compensation losses and workers' compensation losses of corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.

Sec. 41. 21 V.S.A. § 711 is amended to read:

§ 711. WORKERS' COMPENSATION ADMINISTRATION FUND

* * *

(b)(1) Annually, the General Assembly shall establish the rate of contribution for the direct calendar year premium for workers' compensation insurance. The rate shall equal the amount approved in the appropriations process for the program and the Department's projection of salary and benefit increases for that fiscal year, less the amount collected in the prior calendar year under subsection (a) of this section from self-insured workers' compensation losses and from corporations approved under this chapter, adjusted by any balance in the fund from the prior fiscal year, divided by the total direct calendar year premium for workers' compensation insurance for the prior year.

(2) In the event that the General Assembly does not establish the rate of contribution for the direct calendar year premium for workers' compensation insurance for a given fiscal year, the rate shall remain unchanged from the prior fiscal year.

Sec. 42. 2014 Acts and Resolves No. 199, Sec. 54b is amended to read:

Sec. 54b. 21 V.S.A. § 643a is added to read:

§ 643a. DISCONTINUANCE OF BENEFITS

Unless an injured worker has successfully returned to work, an employer shall notify both the Commissioner and the employee prior to terminating benefits under either section 642 or 646 of this title. The notice of intention to discontinue payments shall be filed on forms prescribed by the Commissioner and shall include the date of the proposed discontinuance, the reasons for it, and, if the employee has been out of work for 90 days, a verification that the employer offered vocational rehabilitation screening and services as required under this chapter. All relevant evidence, including evidence that does not support discontinuance in the possession of the employer not already filed, shall be filed with the notice. The liability for the payments shall continue for seven days after the notice is received by the Commissioner and the employee. If the claimant disputes the discontinuance, the claimant may file with the Commissioner an objection to the discontinuance and seek an extension of 14 days. The objection to the discontinuance shall be specific as to the reasons and include supporting evidence. A copy of the objection shall be provided to the employer at the time the request is made to the Commissioner. ~~Those~~ The payments shall be made without prejudice to the employer and may be deducted from any amounts due pursuant to section 648 of this title if the Commissioner determines that the discontinuance is warranted or if otherwise ordered by the Commissioner. Every notice shall be reviewed by the Commissioner to determine the sufficiency of the basis for the proposed discontinuance. If, after review of all the evidence in the file, the Commissioner finds that a preponderance of all the evidence in the file does

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

* * * Unemployment Insurance * * *

Sec. 43. 2021 Acts and Resolves No. 183, Sec. 59(b)(6) is amended to read:

(6) Sec. 52g (prospective repeal of unemployment insurance benefit increase) shall take effect ~~upon the payment of a~~ when the cumulative total amount of additional benefits paid pursuant to 21 V.S.A. § 1338(e) ~~when,~~ compared to the rate at which benefits would have been paid under the formula set forth in 21 V.S.A. § 1338(e) on June 30, 2025 ~~equal to \$92,000,000.00,~~ plus the ~~difference between \$8,000,000.00 and the amount of additional benefits paid out pursuant to section 52b, if any,~~ compared to the amount that would have been paid pursuant to the provisions of 21 V.S.A. § 1338(f)(1) on June 30, 2022, equals \$100,000,000.00 and shall apply to benefit weeks beginning after that date.

* * * Effective Dates * * *

Sec. 44. EFFECTIVE DATES

This act shall take effect on passage, except:

(1) Notwithstanding 1 V.S.A. § 214, Secs. 1 and 2 (annual link to federal statutes) shall take effect retroactively on January 1, 2023 and shall apply to taxable years beginning on and after January 1, 2022.

(2) Sec. 8 (sales tax exemption; advanced wood boilers) shall take effect on June 30, 2023.

(3) Notwithstanding 1 V.S.A. § 214, Secs. 14 (child and dependent care credit), 15 (earned income tax credit), 16 (child tax credit; taxpayer identification numbers), 17 (taxpayer identification numbers; credits), and 19 and 20 (pass-throughs; composite payment rate for nonresidents) shall take effect retroactively on January 1, 2023 and shall apply to taxable years beginning on and after January 1, 2023.

(4) Sec. 18 (child tax credit; advance payments) shall take effect on the later of July 1, 2023 or the first day of the second quarter of the State fiscal

year after the requirement to include recurring or nonrecurring State payments of income tax refunds, rebates, or credits in income-based eligibility determinations for any federal public assistance program, including the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; federal child care assistance; and Supplemental Security Income, is abrogated by one or more of the following federal actions:

(A) enactment of federal legislation;

(B) a decision by a controlling court from which there is no further right of appeal; or

(C) publication of federal regulations, guidelines, memorandum, or any other official action taken by the relevant federal agency with the authority to alter income-based eligibility determinations for federal public assistance programs.

Which proposal of amendment was considered and concurred in.

**Rules Suspended, Immediate Consideration;
Senate Proposal of Amendment Concurred in**

H. 270

Appearing on the Notice Calendar, on motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

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

Was taken up for immediate consideration.

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

Sec. 1. 7 V.S.A. § 843 is amended to read:

§ 843. CANNABIS CONTROL BOARD; DUTIES; MEMBERS

* * *

(h) ~~Advisory committee.~~

~~(1) There is an advisory committee established within the Board that shall be composed of members with expertise and knowledge relevant to the Board's mission. The Board shall collaborate with the advisory committee on recommendations to the General Assembly. The advisory committee shall be composed of the following 14 members:~~

~~(A) one member with an expertise in public health, appointed by the Governor;~~

~~(B) the Secretary of Agriculture, Food and Markets or designee;~~

~~(C) one member with an expertise in laboratory science or toxicology, appointed by the Governor;~~

~~(D) one member with an expertise in systemic social justice and equity issues, appointed by the Speaker of the House;~~

~~(E) one member with an expertise in women and minority-owned business ownership, appointed by the Speaker of the House;~~

~~(F) the Chair of the Substance Misuse Prevention Oversight and Advisory Council or designee;~~

~~(G) one member with an expertise in the cannabis industry, appointed by the Senate Committee on Committees;~~

~~(H) one member with an expertise in business management or regulatory compliance, appointed by the Treasurer;~~

~~(I) one member with an expertise in municipal issues, appointed by the Senate Committee on Committees;~~

~~(J) one member with an expertise in public safety, appointed by the Attorney General;~~

~~(K) one member with an expertise in criminal justice reform, appointed by the Attorney General;~~

~~(L) the Secretary of Natural Resources or designee;~~

~~(M) the Chair of the Cannabis for Symptom Relief Oversight Committee or designee; and~~

~~(N) one member appointed by the Vermont Cannabis Trade Association.~~

~~(2) Initial appointments to the advisory committee as provided in subdivision (1) of this subsection (h) shall be made on or before July 1, 2021.~~

~~(3) The Board may establish subcommittees within the advisory committee to accomplish its work.~~

~~(4) Members of the advisory committee who are not otherwise compensated by the member's employer for attendance at meetings 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 annually. These payments shall be made from the Cannabis Regulation Fund. [Repealed.]~~

Sec. 2. REPEAL; SUNSET OF CANNABIS CONTROL BOARD

2020 Acts and Resolves No. 164, Sec. 6e is repealed.

Sec. 3. 7 V.S.A. § 845 is amended to read:

§ 845. CANNABIS REGULATION FUND

* * *

(c) Monies from the Fund shall only be appropriated for the purposes of implementation, administration, and enforcement of this chapter and ~~chapter 33~~ chapters 33, 35, and 37 of this title.

* * *

Sec. 4. 7 V.S.A. § 861 is amended to read:

§ 861. DEFINITIONS

As used in this chapter:

* * *

(2) “Advertisement” means any written or verbal statement, illustration, or depiction that ~~is calculated to induce~~ would reasonably have the effect of inducing sales of cannabis or cannabis products, including any written, printed, graphic, or other material; billboard, sign, or other outdoor display; other periodical literature, publication, or in a radio or television broadcast; the Internet; or in any other media. The term does not include:

(A) any label affixed to any cannabis or cannabis product or any individual covering, carton, or other wrapper of that container that constitutes a part of the labeling under provisions of these standards;

(B) any editorial or other reading material, such as a news release, in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any cannabis establishment, and that is not written by or at the direction of the licensee;

(C) any educational, instructional, or otherwise noncommercial material that is not intended to induce sales and that does not propose an economic transaction, but that merely provides information to the public in an unbiased manner; or

(D) a sign attached to the premises of a cannabis establishment that merely identifies the location of the cannabis establishment.

* * *

(8) “Cannabis establishment” means a cannabis cultivator, propagation cultivator, wholesaler, product manufacturer, retailer, testing laboratory, or integrated licensee licensed by the Board to engage in commercial cannabis activity in accordance with this chapter.

* * *

(31) “Cannabis propagation cultivator” or “propagation cultivator” means a person licensed by the Board to cultivate cannabis clones, immature plants, and mature plants in accordance with this chapter.

Sec. 5. 7 V.S.A. § 863 is amended to read:

§ 863. REGULATION BY LOCAL GOVERNMENT

* * *

(b) A municipality that hosts any cannabis establishment may establish a cannabis control commission composed of commissioners who may be members of the municipal legislative body. The local cannabis control commission may issue and administer local control licenses under this subsection for cannabis establishments within the municipality but shall not assess a fee for a local control license issued to a cannabis establishment. The commissioners may condition the issuance of a local control license upon compliance with any bylaw adopted pursuant to 24 V.S.A. § 4414 or upon ordinances regulating signs or public nuisances adopted pursuant to 24 V.S.A. § 2291, except that ordinances may not regulate public nuisances as applied to outdoor cultivators that are regulated in the same manner as the Required Agricultural Practices under subdivision 869(f)(2) of this title. The commission may suspend or revoke a local control license for a violation of any condition placed upon the license. The Board shall adopt rules relating to a municipality’s issuance of a local control license in accordance with this subsection and the local commissioners shall administer the rules furnished to them by the Board as necessary to carry out the purposes of this section.

(c) Prior to issuing a license to a cannabis establishment under this chapter, the Board shall ensure that the applicant has obtained a local control license from the municipality, if required, unless the Board finds that the municipality has exceeded its authority under this section.

(d) A municipality shall not:

(1) prohibit the operation of a cannabis establishment within the municipality through an ordinance adopted pursuant to 24 V.S.A. § 2291 or a bylaw adopted pursuant to 24 V.S.A. § 4414, or regulate a cannabis establishment in a manner that has the effect of prohibiting the operation of a cannabis establishment;

(2) condition the operation of a cannabis establishment, or the issuance or renewal of a municipal permit to operate a cannabis establishment, on any basis other than the conditions in subsection (b) of this section; ~~and~~ or

(3) exceed the authority granted to it by law to regulate a cannabis establishment.

Sec. 6. 7 V.S.A. § 869 is amended to read:

§ 869. CULTIVATION OF CANNABIS; ENVIRONMENTAL AND LAND
USE STANDARDS; REGULATION OF SMALL CULTIVATORS
CULTIVATION

(a) A cannabis establishment shall not be regulated as “farming” under the Required Agricultural Practices, 6 V.S.A. chapter 215, or other State law, and cannabis produced from cultivation shall not be considered an agricultural product, farm crop, or agricultural crop for the purposes of 32 V.S.A. chapter 124, 32 V.S.A. § 9741, or other relevant State law.

(b) The cultivation, processing, and manufacturing of cannabis regulated under this chapter shall comply with all applicable State, federal, and local environmental, energy, or public health law, unless otherwise provided under this chapter.

(c) A cannabis establishment regulated under this chapter shall be subject to regulation under 24 V.S.A. chapter 117 as authorized by this chapter, unless otherwise provided under this chapter.

(d)(1) The cultivation, processing, and manufacturing of cannabis by all cultivators regulated under this chapter shall comply with the following sections of the Required Agricultural Practices as administered and enforced by the Board:

(A) section 6, regarding conditions, restriction, and operating standards;

(B) section 8, regarding groundwater quality and groundwater quality investigations; and

(C) section 12, regarding subsurface tile drainage.

(2) Application of or compliance with the Required Agricultural Practices under subdivision (1) of this subsection shall not be construed to provide a presumption of compliance with or exemption to any applicable State, federal, and local environmental, energy, public health, or land use law required under subsections (b) and (c) of this section.

(e) Persons cultivating cannabis or handling pesticides for the purposes of the manufacture of cannabis products shall comply with the worker protection

standard of 40 C.F.R. Part 170.

(f) Notwithstanding subsection (a) of this section, a small cultivator licensed under this chapter who initiates cultivation of cannabis outdoors on a parcel of land ~~that was subject to the Required Agricultural Practices prior to licensed cultivation of cannabis~~ shall:

(1) be regulated in the same manner as “farming” and not as “development” on the tract of land where cultivation occurs for the purposes of permitting under 10 V.S.A. chapter 151;

(2) not be regulated by a municipal bylaw adopted under 24 V.S.A. chapter 117 in the same manner that Required Agricultural Practices are not regulated by a municipal bylaw under 24 V.S.A. § 4413(d)(1)(A);

(3) be eligible to enroll in the Use Value Appraisal Program under 32 V.S.A. chapter 124 for the cultivation of cannabis, ~~provided that the agricultural land or farm building on the parcel where cannabis cultivation occurs was enrolled in the Use Value Appraisal Program prior to commencement of licensed cannabis cultivation and the parcel continues to qualify for enrollment; and~~

(4) be exempt under 32 V.S.A. § 9741(3), (25), and (50) from the tax on retail sales imposed under 32 V.S.A. § 9771; and

(5) be entitled to the rebuttable presumption that cultivation does not constitute a nuisance under 12 V.S.A. chapter 195 in the same manner as “agricultural activities” are entitled to the rebuttable presumption, provided that, notwithstanding 12 V.S.A. § 5753(a)(1)(A), the cultivation is complying with subsections (b) and (d) of this section.

Sec. 7. 7 V.S.A. § 881 is amended to read:

§ 881. RULEMAKING; CANNABIS ESTABLISHMENTS

(a) The Board shall adopt rules to implement and administer this chapter in accordance with subdivisions (1)–~~(7)~~(8) of this subsection.

* * *

(3) Rules concerning product manufacturers shall include:

(A) requirements that a single package of a cannabis product shall not contain more than ~~50~~ 100 milligrams of THC, except in the case of:

(i) cannabis products that are not consumable, including topical preparations;

(ii) solid concentrates, oils, and tinctures; and

(iii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and rules adopted pursuant to that chapter;

* * *

(5) Rules concerning retailers shall include:

* * *

(E) ~~facility inspection~~ requirements and procedures for facility inspection to occur at least annually.

* * *

(8) Rules concerning propagators shall include:

(A) requirements for proper verification of age of customers;

(B) pesticides or classes of pesticides that may be used by propagators, provided that any rules adopted under this subdivision (8) shall comply with and shall be at least as stringent as the Agency of Agriculture, Food and Markets' Vermont Pesticide Control Regulations;

(C) standards for indoor cultivation of cannabis;

(D) procedures and standards for testing cannabis for contaminants, potency, and quality assurance and control;

(E) labeling requirements for cannabis sold to retailers and integrated licensees;

(F) regulation of visits to the establishments, including the number of visitors allowed at any one time and record keeping concerning visitors; and

(G) facility inspection requirements and procedures.

* * *

Sec. 8. 7 V.S.A. § 901 is amended to read:

§ 901. GENERAL PROVISIONS

(a) Except as otherwise permitted by law, a person shall not engage in the cultivation, preparation, processing, packaging, transportation, testing, or sale of cannabis or cannabis products without obtaining a license from the Board.

* * *

(d)(1) There shall be ~~six~~ seven types of licenses available:

(A) a cultivator license;

(B) a propagator license;

(C) a wholesaler license;

~~(C)~~(D) a product manufacturer license;

~~(D)~~(E) a retailer license;

~~(E)~~(F) a testing laboratory license; and

~~(F)~~(G) an integrated license.

(2)(A) The Board shall develop tiers for:

(i) cultivator licenses based on the plant canopy size of the cultivation operation or plant count for breeding stock; and

(ii) retailer licenses.

(B) The Board may develop tiers for other types of licenses.

(3)(A) Except as provided in subdivisions (B) and (C) of this subdivision (3), an applicant and its affiliates may obtain a maximum of one type of each type of license as provided in subdivisions ~~(1)(A)–(E)~~ ~~(1)(A)–(F)~~ of this subsection (d). Each license shall permit only one location of the establishment.

(B) An applicant and its affiliates that control a dispensary registered on April 1, 2022 may obtain one integrated license provided in subdivision ~~(1)(F)~~ ~~(1)(G)~~ of this subsection (d) or a maximum of one of each type of license provided in subdivisions ~~(1)(A)–(E)~~ ~~(1)(A)–(F)~~ of this subsection (d). An integrated licensee may not hold a separate cultivator, propagator, wholesaler, product manufacturer, retailer, or testing laboratory license, and no applicant or its affiliates that control a dispensary shall hold more than one integrated license. An integrated license shall permit only one location for each of the types of activities permitted by the license: cultivation, propagator, wholesale operations, product manufacturing, retail sales, and testing.

(C) An applicant and its affiliates may obtain multiple testing laboratory licenses.

* * *

~~(h)(1) The following records shall be exempt from public inspection and copying under the Public Records Act and shall be confidential:~~

~~(A) any record in an application for a license relating to security, public safety, transportation, or trade secrets, including information provided in an operating plan pursuant to subdivision 881(a)(1)(B) of this title; and~~

~~(B) any licensee record relating to security, public safety, transportation, trade secrets, or employees.~~

~~(2) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption created in this subsection shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e). [Repealed.]~~

Sec. 9. 7 V.S.A. § 901a is added to read:

§ 901a. ACCESSIBILITY AND CONFIDENTIALITY OF LICENSING
AND DISCIPLINARY MATTERS

(a) It is the purpose of this section to protect the reputation, security practices, and trade secrets of licensees from undue public disclosure while securing the public's right to know of government licensing actions relevant to the public health, safety, and welfare.

(b) All meetings and hearings of the Board shall be subject to the Vermont Open Meeting Law.

(c) The following shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential:

(1) records related to licensee security, safety, transportation, or trade secrets, including information provided in an operating plan pursuant to subdivision 881(a)(1)(B) of this title; and

(2) records related to complaints, investigations, or proceedings, except as provided in subsection (d) of this section.

(d)(1) If a complaint or investigation results in formal action to revoke, suspend, condition, reprimand, warn, fine, or otherwise to penalize a licensee based on noncompliance with law or regulation, the case record, as defined by 3 V.S.A. § 809(e), shall be available for public inspection and copying under Vermont's Public Records Act.

(2) The Board shall prepare and maintain an aggregated list of all closed investigations into misconduct or noncompliance from whatever source derived. The information contained in the list shall be available for public inspection and copying under Vermont's Public Records Act. The list shall contain the date, nature, and outcome of each complaint. The list shall not contain the identity of the subject licensee unless formal action resulted, as described in subdivision (1) of this subsection.

(e) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption created in this section shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e).

Sec. 10. 7 V.S.A. § 904 is amended to read:

§ 904. CULTIVATOR LICENSE

(a) A cultivator licensed under this chapter may:

(1) cultivate, process, package, label, transport, test, and sell cannabis to a licensed wholesaler, product manufacturer, retailer, integrated licensee, and dispensary ~~and may~~;

(2) purchase and sell cannabis seeds and immature cannabis plants to another licensed cultivator and propagation cultivator; and

(3) possess and sell cannabis products to a licensed wholesaler, product manufacturer, retailer, integrated licensee, and dispensary.

* * *

Sec. 11. 7 V.S.A. § 904b is added to read:

§ 904b. PROPAGATION CULTIVATOR LICENSE

(a) A propagation cultivator licensed under this section may:

(1) cultivate not more than 3,500 square feet of cannabis clones, immature cannabis plants, or mature cannabis plants;

(2) test, transport, and sell cannabis clones and immature cannabis plants to licensed cultivators; and

(3) test, transport, and sell cannabis seeds that meet the federal definition of hemp to a licensed cultivator or retailer or to the public.

(b) A licensed propagation cultivator shall not cultivate mature cannabis plants for the purpose of producing, harvesting, transferring, or selling cannabis flower for or to any person.

Sec. 12. PROPAGATION CULTIVATOR LICENSE IMPLEMENTATION

The Cannabis Control Board shall begin issuing propagation cultivator licenses on or before July 1, 2024.

Sec. 13. 7 V.S.A. § 905 is amended to read:

§ 905. WHOLESALER LICENSE

A wholesaler licensed under this chapter may:

(1) purchase cannabis ~~from a licensed cultivator and integrated licensee,~~ and cannabis products from a licensed ~~product manufacturer, integrated licensee, and dispensary~~ cannabis establishment;

(2) transport, process, package, and sell cannabis and cannabis products to a licensed ~~product manufacturer, retailer, integrated licensee, and dispensary cannabis establishment~~; and

(3) sell cannabis seeds or immature cannabis plants to a licensed cultivator.

Sec. 14. 7 V.S.A. § 906 is amended to read:

§ 906. PRODUCT MANUFACTURER LICENSE

A product manufacturer licensed under this chapter may:

(1) purchase cannabis ~~from a licensed cultivator, wholesalers, or integrated licensee~~, and cannabis products from a licensed ~~wholesaler, product manufacturer, integrated licensee, and dispensary~~ cannabis establishment;

(2) use cannabis and cannabis products to produce cannabis products; and

(3) transport, process, package, and sell cannabis products to a licensed ~~wholesaler, product manufacturer, retailer, integrated licensee, and dispensary~~ cannabis establishment.

Sec. 15. 7 V.S.A. § 907 is amended to read:

§ 907. RETAILER LICENSE

(a) A retailer licensed under this chapter may:

(1) purchase cannabis ~~from a licensed cultivator, wholesaler, or integrated licensee~~, and cannabis products from a licensed ~~wholesaler, product manufacturer, integrated licensee, and dispensary~~ cannabis establishment; and

(2) transport, possess, package, and sell cannabis and cannabis products to the public for consumption off the registered premises or for cultivation.

* * *

Sec. 16. 7 V.S.A. § 910 is amended to read:

§ 910. CANNABIS ESTABLISHMENT FEE SCHEDULE

The following fees shall apply to each person or product licensed by the Board:

* * *

(3) Manufacturers.

(A) Manufacturer tier 1. Manufacturers that process and manufacture cannabis in order to produce cannabis products without using solvent-based extraction and not more than ~~\$10,000.00~~ \$50,000.00 per year in

cannabis products based on the manufacturer's total annual sales in cannabis products shall be assessed an annual licensing fee of \$750.00.

* * *

(7) Propagation cultivators. Propagation cultivators shall be assessed an annual licensing fee of \$500.00.

(8) Employees. Cannabis establishments licensed by the Board shall be assessed an annual licensing fee of \$50.00 for each employee.

(8)(9) Products. Cannabis establishments licensed by the Board shall be assessed an annual product licensing fee of \$50.00 for every type of cannabis and cannabis product that is sold in accordance with this chapter.

(9)(10) Local licensing fees. Cannabis establishments licensed by the Board shall be assessed an annual local licensing fee of \$100.00 in addition to each fee assessed under subdivisions (1)–(6)(7) of this section. Local licensing fees shall be distributed to the municipality in which the cannabis establishment is located pursuant to section 846(c) of this title.

(10)(11) One-time fees.

(A) All applicants for a cannabis establishment license shall be assessed an initial one-time application fee of \$1,000.00.

(B) An applicant may choose to be assessed an initial one-time intent-to-apply fee of \$500.00. If the applicant subsequently seeks a license within one year after paying the intent-to-apply fee, the initial one-time application fee of \$1,000.00 shall be reduced by \$500.00.

Sec. 17. 7 V.S.A. chapter 35 is amended to read:

CHAPTER 35. MEDICAL CANNABIS REGISTRY

§ 951. DEFINITIONS

As used in this chapter:

* * *

(8) "Qualifying medical condition" means:

(A) cancer, multiple sclerosis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, glaucoma, Crohn's disease, Parkinson's disease, post-traumatic stress disorder, or the treatment of these conditions, if the disease or the treatment results in severe, persistent, and intractable symptoms; or

(B) ~~post-traumatic stress disorder, provided the Department confirms the applicant is undergoing psychotherapy or counseling with a licensed~~

~~mental health care provider; or~~

(~~C~~) a disease or medical condition or its treatment that is chronic, debilitating, and produces one or more of the following intractable symptoms: cachexia or wasting syndrome, chronic pain, severe nausea, or seizures.

* * *

§ 952. REGISTRY

* * *

(b) A person who is a registered patient or a registered caregiver on behalf of a patient may:

(1) Cultivate not more than ~~two~~ six mature and ~~seven~~ 12 immature cannabis plants. Any cannabis harvested from the plants shall not count toward the two-ounce possession limit in subdivision (2) of this subsection, provided it is stored in an indoor facility on the property where the cannabis was cultivated and reasonable precautions are taken to prevent unauthorized access to the cannabis.

(2) Possess not more than two ounces of cannabis.

(3) Purchase cannabis and cannabis products at a licensed medical cannabis dispensary. Pursuant to chapter 37 of this title, a dispensary may offer goods and services that are not permitted at a cannabis establishment licensed pursuant to chapter 33 of this title.

* * *

§ 954. CAREGIVERS

(a) Pursuant to rules adopted by the Board, a person may register with the Board as a caregiver of a registered patient to obtain the benefits of the Registry as provided in section 952 of this title.

(b)(1) ~~The Board shall adopt rules that set forth standards for determining whether an applicant should be denied a caregiver card because of his or her criminal history record. An applicant shall not be denied solely on the basis of a criminal conviction that is not listed in 13 V.S.A. chapter 25 or 28~~ conduct a name and date of birth Vermont criminal conviction record background check and obtain information from the Child Protection Registry maintained by the Department for Children and Families and from the Vulnerable Adult Abuse, Neglect, and Exploitation Registry maintained by the Department of Disabilities, Aging, and Independent Living (collectively, the Registries) for any person who applies to be a caregiver.

~~(2) The Board shall obtain from the Vermont Crime Information Center a copy of the caregiver applicant's fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.~~

(c) The Board shall adopt rules that set forth standards for determining whether an applicant should be denied a ~~cannabis establishment license caregiver card~~ because of ~~his or her criminal history record~~ the applicant's criminal history record or status on either Registry.

(d)(1) Except as provided in subdivision (2) of this subsection, a caregiver ~~shall serve only one patient~~ may serve not more than two patients at a time, and a patient shall have only one registered caregiver at a time. A patient may serve as a caregiver for one other patient.

(2) A patient who is under 18 years of age may have two caregivers. Additional caregivers shall be at the discretion of the Board.

(e) Medicaid funds shall not be used to support a caregiver in the cultivation or distribution of cannabis on behalf of a patient.

§ 955. REGISTRATION; FEES

(a) A registration card shall expire one year after the date of issuance for patients with a qualifying medical condition of chronic pain and the caregivers who serve those patients. For all other patients and the caregivers who serve those patients, a registration card shall expire three years after the date of issuance. A patient or caregiver may renew the card according to protocols adopted by the Board.

(b) The Board shall charge and collect a \$50.00 ~~annual~~ registration and renewal fee for patients and caregivers. Fees shall be deposited in the Cannabis Regulation Fund as provided in section 845 of this title.

§ 956. RULEMAKING

The Board shall adopt rules for the administration of this chapter. ~~No rule shall be more restrictive than any rule adopted by the Department of Public Safety pursuant to 18 V.S.A. chapter 86.~~

Sec. 18. 33 V.S.A. § 4919 is amended to read:

§ 4919. DISCLOSURE OF REGISTRY RECORDS

(a) The Commissioner may disclose a Registry record only as follows:

* * *

(11) To the Cannabis Control Board, in accordance with the provisions of 7 V.S.A. § 954.

* * *

Sec. 19. 33 V.S.A. § 6911 is amended to read:

§ 6911. RECORDS OF ABUSE, NEGLECT, AND EXPLOITATION

* * *

(c) The Commissioner or designee may disclose Registry information only to:

* * *

(12) The Cannabis Control Board for the purpose of evaluating an individual's suitability to be a registered caregiver under 7 V.S.A. § 954.

* * *

Sec. 20. 7 V.S.A. § 974 is amended to read:

§ 974. RULEMAKING

(a)(1) The Board shall adopt rules to implement and administer this chapter. In adoption of rules, the Board shall strive for consistency with rules adopted for cannabis establishments pursuant to chapter 33 of this title where appropriate. ~~No rule shall be more restrictive than any rule adopted by the Department of Public Safety pursuant to 18 V.S.A. chapter 86.~~

* * *

Sec. 21. CANNABIS CONTROL BOARD REPORTING; MEDICAL CANNABIS REGISTRY

(a) The Cannabis Control Board shall work with the Vermont Academic Detailing Program, Registry patients and caregivers, licensed medical cannabis dispensaries, and medical professional stakeholders to review the Medical Cannabis Registry. The review shall include:

(1) an assessment of the illnesses or symptoms most appropriately treated by cannabis;

(2) the strains of cannabis recommended for such treatment;

(3) the doses of active chemicals recommended for treatment;

(4) appropriate treatment protocols for patients, including whether ongoing medical oversight such as counseling or other services is needed for each condition being treated;

(5) how the use of cannabis is communicated to patients and patients' providers; and

(6) any other issues that will improve the Registry.

(b) The Board shall convene the working group not less than four times to complete its work.

(c) The Board shall provide recommendations for improvement to the Medical Cannabis Registry to the Senate Committee on Health and Welfare and the House Committees on Human Services and on Health Care on or before January 15, 2024.

Sec. 22. 7 V.S.A. § 1001(8) is amended to read:

(8) “Tobacco substitute” means products, including electronic cigarettes or other electronic or battery-powered devices, that contain or are designed to deliver nicotine or other substances into the body through the inhalation of vapor and that have not been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes. ~~Products~~ Cannabis products as defined in section 831 of this title or products that have been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes shall not be considered to be tobacco substitutes.

Sec. 23. 32 V.S.A. § 7702(15) is amended to read:

(15) “Other tobacco products” means any product manufactured from, derived from, or containing tobacco that is intended for human consumption by smoking, chewing, or in any other manner, including products sold as a tobacco substitute, as defined in 7 V.S.A. § 1001(8), and including any liquids, whether nicotine based or not, or delivery devices sold separately for use with a tobacco substitute, but shall not include cigarettes, little cigars, roll-your-own tobacco, snuff, ~~or~~ new smokeless tobacco as defined in this section, or cannabis products as defined in 7 V.S.A. § 831.

Sec. 23a. 7 V.S.A. § 831(3) is amended to read:

(3) “Cannabis product” means concentrated cannabis and a product that is composed of cannabis and other ingredients and is intended for use or consumption, including an edible product, ointment, and tincture. Cannabis product shall include a vaporizer cartridge containing cannabis oil that is intended for use with a battery-powered device and any device designed to deliver cannabis into the body through inhalation of vapor that is sold at a cannabis establishment licensed pursuant to chapter 33 of this title. “Cannabis product” does not mean a “tobacco product” as defined in 32 V.S.A. § 7702, a “tobacco substitute” as defined in section 1001 of this title, or “tobacco paraphernalia” as defined in section 1001 of this title.

Sec. 23b. 7 V.S.A. § 1002 is amended to read:

§ 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

(a)(1) ~~No~~ Except as provided in subsection (h) of this section, no person shall engage in the retail sale of tobacco products, tobacco substitutes, or tobacco paraphernalia in his or her the person's place of business without a tobacco license obtained from the Division of Liquor Control.

* * *

(h) This section shall not apply to a cannabis establishment licensed pursuant to chapter 33 of this title to engage in the retail sale of cannabis products as defined in section 831 of this title, but not engaged in the sale of tobacco products or tobacco substitutes.

Sec. 24. TRANSFER AND APPROPRIATION

Notwithstanding 7 V.S.A. § 845(c), in fiscal year 2024:

(1) \$500,000.00 is transferred from the Cannabis Regulation Fund established pursuant to 7 V.S.A. § 845 to the Cannabis Business Development Fund established pursuant to 7 V.S.A. § 987; and

(2) \$500,000.00 is appropriated from the Cannabis Business Development Fund to the Agency of Commerce and Community Development to fund technical assistance and provide loans and grants pursuant to 7 V.S.A. § 987.

Sec. 24a. RACIAL DISPARITIES IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEM ADVISORY PANEL REPORTING; RACIAL EQUITY AND COMMUNITY REINVESTMENT

(a) The Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel shall collaborate with local and national stakeholders to study the administration and funding of the Cannabis Business Development Fund and gather qualitative and quantitative data informing the establishment and funding of community reinvestment for individuals and communities disproportionately impacted by the criminalization of cannabis. The study shall do each of the following:

(1) Identify in an aggregated format the demographics of individuals who have been disproportionately impacted by cannabis prohibition in Vermont and nationally and identify communities most heavily impacted, while not disclosing the identity of any particular individual.

(2) Identify the ways in which such individuals and communities have been disproportionately impacted by cannabis prohibition in Vermont,

including rates of poverty; access to employment, housing, and education; and involvement with the criminal justice system.

(3) Any other issues related to the impacts of the criminalization of cannabis in Vermont and the United States that will improve racial equity and community reinvestment in Vermont.

(b) The Panel shall convene not less than four times to complete its work.

(c) The Panel shall provide recommendations on how to administer and fund the Cannabis Business Development Fund and fund and administer reinvestment in individuals and communities disproportionately harmed by cannabis criminalization to the Senate Committee on Economic Development, Housing and General Affairs and on Finance on or before January 15, 2024.

Sec. 25. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

**Rules Suspended, Immediate Consideration;
Senate Proposal of Amendment to House Proposal of Amendment
Concurred in; Rules Suspended, Action Ordered Messaged to the
Senate and Delivered to the Governor Forthwith**

S. 138

Appearing on the Notice Calendar, on motion of **Rep. McCoy of Poultney**, the rules were suspended and Senate bill, entitled

An act relating to school safety

Was taken up for immediate consideration.

The Senate concurred in the House proposal of amendment with the following proposal of amendment thereto:

First: By adding a new section to be Sec. 5a. to read as follows:

Sec. 5a. WORKING GROUP ON STUDENT PROTECTIONS FROM HARASSMENT AND DISCRIMINATION IN SCHOOLS; REPORT

(a) Creation. There is created the Working Group on Student Protections from Harassment and Discrimination in Schools to study and give recommendations for how to address harassment and discrimination experienced by students.

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

(1) the Secretary of Education or designee;

(2) the Executive Director of the Vermont Human Rights Commission or designee;

(3) the Executive Director of the Vermont Network Against Domestic and Sexual Violence or designee;

(4) the Executive Director of the Vermont National Education Association or designee;

(5) the Executive Director of the Vermont School Boards Association or designee;

(6) the Executive Director of the Vermont Principals' Association or designee;

(7) the Executive Director of the Vermont Superintendents Association or designee;

(8) the Executive Director of Outright Vermont or designee;

(9) the Executive Director of Racial Equity or designee;

(10) the Executive Director of the Vermont chapter of the National Association of Social Workers or designee;

(11) the Executive Director of Vermont Legal Aid or designee; and

(12) the Chair of the Harassment, Hazing, and Bullying Prevention Advisory Council.

(c) Powers and duties. The Working Group shall study the current protections for students against harassment and discrimination in schools and make recommendations for legislative action to ensure Vermont students have the appropriate protections from harassment and discrimination. In conducting its analysis, the Working Group shall consider and make recommendations on the following issues:

(1) eliminating the severe and pervasive standard for harassment and discrimination for students in educational institutions;

(2) compulsory educational attendance requirements for students who have been victims of harassment; and

(3) the resources required for schools to develop harassment prevention initiatives as well as supports for students who have experienced harassment.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Agency of Education.

(e) Report. On or before December 1, 2023, the Working Group shall submit a written report to the House Committees on General and Housing and

on Education and the Senate Committees on Economic Development, Housing and General Affairs and on Education with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Working Group to occur on or before July 15, 2023.

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

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

(4) The Working Group shall cease to exist on February 1, 2024.

Second: In Sec. 6, effective dates, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

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

Which proposal of amendment was considered and concurred in.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and action on the bill was ordered messaged to the Senate and delivered to the Governor forthwith.

**Rules Suspended, Immediate Consideration; Second Reading;
Proposal of Amendment Agreed to; Third Reading Ordered;
Rules Suspended, All Remaining Stages of Passage; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment;
Rules Suspended, House Actions Messaged to Senate Forthwith**

S. 80

On motion of **Rep. McCoy of Poultney**, the rules were suspended and Senate bill, entitled

An act relating to miscellaneous environmental conservation subjects

Pending entry on the Notice Calendar, was taken up for immediate consideration.

Rep. Satcowitz of Randolph, for the Committee on Environment and Energy, to which had been referred the Senate bill, recommended the House propose to the Senate that the bill be amended as follows.

First: By adding Secs. 6a and 6b to read as follows:

Sec. 6a. USE OF VERMONT ENVIRONMENTAL PROTECTION

AGENCY (EPA) POLLUTION CONTROL REVOLVING FUND

Notwithstanding the authority of the Secretary of Natural Resources under 24 V.S.A. § 4753 to transfer up to \$275,000.00 from the Vermont EPA Pollution Control Revolving Fund to the Vermont Wastewater and Potable Water Revolving Fund, the Secretary of Natural Resources shall not transfer any funds from the EPA Pollution Control Revolving Fund to the Vermont Wastewater and Potable Water Revolving Fund after July 1, 2024 until:

(1) the Secretary of Natural Resources submits the comprehensive fee report required by the General Assembly for each Agency of Natural Resources fee in existence on July 1, 2023;

(2) the Secretary of Natural Resources submits the report required under Sec. 6b (report on EPA revolving funds) of this act; and

(3) an act of the General Assembly authorizes transfers from the Vermont EPA Pollution Control Revolving Fund to the Vermont Wastewater and Potable Water Revolving Fund to continue after July 1, 2024.

Sec. 6b. ANR REPORT ON REVOLVING LOAN FUNDS

On or before January 15, 2024, the Secretary of Natural Resources shall submit to the House Committee on Corrections and Institutions and the Senate Committee on Institutions a report summarizing the status of the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund and the Vermont Environmental Protection Agency (EPA) Drinking Water State Revolving Fund. The report shall include an accounting of the Funds, including the following information for each Fund as it existed at the end of fiscal year 2023:

(1) the balance of funds in the Fund;

(2) the amount of funds loaned or obligated from the Fund;

(3) the amount of funds repaid to the Fund in fiscal year 2023; and

(4) the amount of funds due for repayment to the Fund.

Second: By striking out Sec. 7, 2018 Acts and Resolves No. 185, Sec. 12, in its entirety and inserting in lieu thereof a new Sec. 7 and reader assistance heading to read as follows:

* * * Riparian Protection * * *

Sec. 7. ANR REPORT ON RIPARIAN PROTECTION PROGRAM

The Secretary of Natural Resources shall conduct a stakeholder process to develop recommendations on the implementation of a riparian protection

program in the State. The stakeholder process shall address what elements of a riparian protection program should be implemented to protect water quality and aquatic habitat and what funding would be required to implement a riparian protection program. On or before December 15, 2023, the Secretary shall submit its recommendations on the implementation of a riparian protection program to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy.

Third: In Sec. 16, 29 V.S.A. § 405(d), in subsection (d), after “on the date that” and before “is signed” by inserting the word “it”

Rep. Masland of Thetford, for the Committee on Ways and Means, recommended the House propose to the Senate to amend the bill as recommended by the Committee on Environment and Energy.

Rep. Squirrel of Underhill, for the Committee on Appropriations, recommended the House propose to the Senate to amend the bill as recommended by the Committee on Environment and Energy.

Thereupon, the bill was read the second time, the report of the Committee on Environment and Energy was agreed to, and third reading was ordered.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was placed in all remaining stages of passage. Thereafter, the bill was read the third time and passed in concurrence with proposal of amendment.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the House's actions on the bill were ordered messaged to the Senate forthwith.

**Rules Suspended, Immediate Consideration;
Senate Proposal of Amendment Concurred in**

H. 517

Pending entry on the Notice Calendar, on motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to approval of the dissolution of Duxbury-Moretown Fire District No. 1

Was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by adding a new section to be numbered Sec. 1a to read as follows:

Sec. 1a. 24 V.S.A. § 363 is amended to read:

§ 363. DEPUTY STATE'S ATTORNEYS

(a) A State's Attorney may appoint as many deputy State's Attorneys as necessary for the proper and efficient performance of ~~his or her~~ the State's

Attorney's office and may remove them at pleasure. The Executive Committee of the Department of State's Attorneys and Sheriffs may authorize or direct the Department's Executive Director to appoint deputy State's Attorneys who shall have all of the same powers and duties of any other deputy State's Attorney except that such deputies may prosecute cases in any county of the State. The Executive Committee shall have the authority to limit the term and scope of any such appointments and may remove such deputies at the Committee's pleasure.

(b) The pay for deputy State's Attorneys shall be fixed by the Executive Director of the Department of State's Attorneys and Sheriffs or through collective bargaining pursuant to 3 V.S.A. chapter 27, but it shall not exceed the pay of the State's Attorney making the appointment or other appointing authority. Deputy State's Attorneys shall be compensated only for periods of actual performance of the duties of the office. Deputy State's Attorneys shall be reimbursed for their necessary expenses incurred in connection with their official duties when approved by the State's Attorneys and the Commissioner of Finance and Management.

(c) Deputy State's Attorneys shall exercise all the powers and duties of the State's Attorneys except the power to designate someone to act in the event of their own disqualification.

(d) Deputy State's Attorneys may not enter upon the duties of the office until they have taken the oath or affirmation of allegiance to the State and the oath of office required by the Constitution, and until the oath together with their appointment is filed for record with the county clerk. If appointed and under oath, a deputy State's Attorney appointed by a State's attorney may prosecute cases in another county if the State's Attorney in the other county files the deputy's appointment in the other county clerk's office. In case of a vacancy in the office of State's Attorney, the appointment of the deputy, except for a deputy appointed by the Executive Committee or Executive Director, shall expire upon the appointment of a new State's Attorney.

Which proposal of amendment was considered and concurred in.

Message from the Senate No. 61

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

Madam Speaker:

I am directed to inform the House that:

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House a bill of the following title:

H. 494. An act relating to making appropriations for the support of government.

And has accepted and adopted the same on its part.

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 39. An act relating to compensation and benefits for members of the Vermont General Assembly.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 217. An act relating to miscellaneous workers' compensation amendments.

And has concurred therein.

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

J.R.S. 27. Joint resolution relating to adjournment.

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

Joint Resolution Adopted in Concurrence

J.R.S. 27

By Senator Baruth,

J.R.S. 27. Joint resolution relating to adjournment.

Resolved by the Senate and House of Representatives:

That when the President of the Senate and the Speaker of the House of Representatives adjourn their respective houses on the twelfth or thirteenth of May, 2023 they shall do so to reconvene on the twentieth day of June, 2023, at ten o'clock in the forenoon.

Was taken up, read, and adopted in concurrence.

Message from the Senate No. 62

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

Madam Speaker:

I am directed to inform the House that the Senate has on its part completed the business of the session and is ready to adjourn pursuant to the provisions of J.R.S. 27.

Message from the Senate No. 63

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

Madam Speaker:

I am directed to inform the House that:

The Senate has considered bills originating in the House of the following titles:

H. 508. An act relating to approval of an amendment to the ranked choice voting provisions of the charter of the City of Burlington.

H. 509. An act relating to approval of amendments to the voter qualification provisions of the charter of the City of Burlington.

And has passed the same in concurrence.

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

H. 158. An act relating to the beverage container redemption system.

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

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon Senate bill of the following title:

S. 6. An act relating to law enforcement interrogation policies.

And has accepted and adopted the same on its part.

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

S.C.R. 7. Senate concurrent resolution honoring Stephanie Barrett for more than a quarter-century of public service excellence as a member of the Joint Fiscal Office staff.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 115. House concurrent resolution congratulating the University of Vermont Catamounts women's basketball team on winning the 2023 America

East Conference championship.

H.C.R. 116. House concurrent resolution honoring the youth division snowboarders and skiers who represented Vermont with distinction at the 2023 United States of America Snowboard and Freeski Association National Championships.

H.C.R. 117. House concurrent resolution congratulating the University of Vermont Catamounts men's basketball team on winning the 2023 America East Conference championship.

H.C.R. 118. House concurrent resolution congratulating the Northfield Junior Rifle team on completing a memorable and successful 2022–2023 competitive season.

H.C.R. 119. House concurrent resolution congratulating the 2023 St. Johnsbury Academy Hilltoppers Science Olympiad team on its multi-medal-winning achievements.

H.C.R. 120. House concurrent resolution congratulating Thetford Town Clerk and Treasurer Tracy Borst as the first Vermont and New England recipient of the International Institute of Municipal Clerks' Institute Directors Award of Excellence.

H.C.R. 121. House concurrent resolution congratulating the 2023 Burlington High School Seahorses championship Vermont-NEA Scholars' Bowl team and wishing the students every success in their forthcoming national competitions.

H.C.R. 122. House concurrent resolution in memory of University of Vermont Professor Emeritus Samuel B. Feitelberg of Shelburne.

H.C.R. 123. House concurrent resolution honoring William Boyd Davies for more than four decades of insightfully moderating the Northeast Kingdom Legislative Breakfast Series in Newport.

H.C.R. 124. House concurrent resolution congratulating St. Peter Roman Catholic Church of Rutland on the 150th anniversary of the construction of its home.

H.C.R. 125. House concurrent resolution recognizing May 2023 as Jewish American Heritage Month in Vermont.

H.C.R. 126. House concurrent resolution in memory of clinical psychologist and social justice activist Dr. Ann Ellis Reynolds of Pomfret.

H.C.R. 127. House concurrent resolution recognizing May as Mental Health Awareness Month in Vermont.

**Rules Suspended, Immediate Consideration;
Report and Addendum of the Committee of Conference Adopted;**

H. 494

Pending entry on the Notice Calendar, on motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to making appropriations for the support of government

Was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

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

H. 494. An act relating to making appropriations for the support of government.

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

* * * Purpose, Definitions, Legend * * *

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2024 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of State government and for capital appropriations not funded with bond proceeds during fiscal year 2024. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those that can be supported by funds appropriated in this act or other acts passed on or prior to June 30, 2023. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2024 to meet this condition unless otherwise directed by specific language in this act or other acts of the General Assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the General Assembly that this act serves as the primary source and reference for appropriations for the operation of State government and for capital appropriations not funded with bond proceeds during fiscal year 2024.

(b) The sums stated in this act are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single-year appropriations, only for the purpose indicated and shall be paid from funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the Commissioner of Finance and Management.

(c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending on June 30, 2024.

Sec. A.103 DEFINITIONS

(a) As used in this act:

(1) “Encumbrances” means a portion of an appropriation reserved for the subsequent payment of existing purchase orders or contracts. The Commissioner of Finance and Management shall make final decisions on the appropriateness of encumbrances.

(2) “Grants” means subsidies, aid, or payments to local governments, to community and quasi-public agencies for providing local services, and to persons who are not wards of the State for services or supplies and means cash or other direct assistance, including pension contributions.

(3) “Operating expenses” means property management; repair and maintenance; rental expenses; insurance; postage; travel; energy and utilities; office and other supplies; equipment, including motor vehicles, highway materials, and construction; expenditures for the purchase of land and construction of new buildings and permanent improvements; and similar items.

(4) “Personal services” means wages and salaries; fringe benefits; per diems; contracted third-party services; and similar items.

(5) “Capital appropriation” means an appropriation for tangible capital investments or expenses that are eligible to be funded from general obligation debt financing and are allowed under federal laws governing the use of State bond proceeds as described in 32 V.S.A. § 309.

Sec. A.104 RELATIONSHIP TO EXISTING LAWS

(a) Except as specifically provided, this act shall not be construed in any way to negate or impair the full force and effect of existing laws.

Sec. A.105 OFFSETTING APPROPRIATIONS

(a) In the absence of specific provisions to the contrary in this act, when total appropriations are offset by estimated receipts, the State appropriations shall control, notwithstanding receipts being greater or less than anticipated.

Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2024, the Governor, with the approval of the General Assembly or the Joint Fiscal Committee if the General Assembly is not in session, may accept federal funds available to the State of Vermont, including block grants in lieu of or in addition to funds designated as federal in this act. The Governor, with the approval of the General Assembly or the Joint Fiscal Committee if the General Assembly is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2024, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2023 session of the Vermont General Assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the Governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The Governor may spend such funds for such purposes for not more than 45 days prior to legislative or Joint Fiscal Committee approval. Notice shall be given to the Joint Fiscal Committee without delay if the Governor intends to use the authority granted by this section, and the Joint Fiscal Committee shall meet in an expedited manner to review the Governor's request for approval.

Sec. A.107 NEW POSITIONS

(a) Notwithstanding any provision of law to the contrary, the total number of authorized State positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(a)(11), shall not be increased during fiscal year 2024 except for new positions authorized by the 2023 session. Limited service positions approved pursuant to 32 V.S.A. chapter 5 shall not be subject to this restriction.

Sec. A.108 LEGEND

(a) This act is organized by functions of government. The sections between B.100 and B.9999 contain appropriations of funds for the upcoming

budget year. The sections between E.100 and E.9999 contain language that relates to specific appropriations or government functions, or both. The function areas by section numbers are as follows:

<u>B.100–B.199 and E.100–E.199</u>	<u>General Government</u>
<u>B.200–B.299 and E.200–E.299</u>	<u>Protection to Persons and Property</u>
<u>B.300–B.399 and E.300–E.399</u>	<u>Human Services</u>
<u>B.400–B.499 and E.400–E.499</u>	<u>Labor</u>
<u>B.500–B.599 and E.500–E.599</u>	<u>General Education</u>
<u>B.600–B.699 and E.600–E.699</u>	<u>Higher Education</u>
<u>B.700–B.799 and E.700–E.799</u>	<u>Natural Resources</u>
<u>B.800–B.899 and E.800–E.899</u>	<u>Commerce and Community Development</u>
<u>B.900–B.999 and E.900–E.999</u>	<u>Transportation</u>
<u>B.1000–B.1099 and E.1000–E.1099</u>	<u>Debt Service</u>
<u>B.1100–B.1199 and E.1100–E.1199</u>	<u>One-time and other appropriation actions</u>

(b) The C sections contain any amendments to the current fiscal year; the D sections contain fund transfers, reversions, and reserve allocations for the upcoming budget year; the F sections contain workforce and economic development policies; the G sections contain changes to Department of Motor Vehicles fees; and the H section contains effective dates.

* * * Fiscal Year 2024 Base Appropriations * * *

Sec. B.100 Secretary of administration - secretary's office

Personal services	2,843,097
Operating expenses	160,849
Grants	<u>100,000</u>
Total	3,103,946
Source of funds	
General fund	2,359,270
Special funds	100,000
Internal service funds	403,239
Interdepartmental transfers	<u>241,437</u>
Total	3,103,946

Sec. B.101 Secretary of administration - finance	
Personal services	1,374,393
Operating expenses	<u>138,363</u>
Total	1,512,756
Source of funds	
Interdepartmental transfers	<u>1,512,756</u>
Total	1,512,756
Sec. B.102 Secretary of administration - workers' compensation insurance	
Personal services	895,051
Operating expenses	<u>91,550</u>
Total	986,601
Source of funds	
Internal service funds	<u>986,601</u>
Total	986,601
Sec. B.103 Secretary of administration - general liability insurance	
Personal services	545,717
Operating expenses	<u>63,558</u>
Total	609,275
Source of funds	
Internal service funds	<u>609,275</u>
Total	609,275
Sec. B.104 Secretary of administration - all other insurance	
Personal services	196,464
Operating expenses	<u>54,633</u>
Total	251,097
Source of funds	
Internal service funds	<u>251,097</u>
Total	251,097
Sec. B.104.1 Retired State Employees Pension Plus Funding	
Grants	<u>9,000,000</u>
Total	9,000,000
Source of funds	
General fund	<u>9,000,000</u>
Total	9,000,000
Sec. B.105 Agency of digital services - communications and information technology	
Personal services	102,479,935

Operating expenses	<u>36,148,517</u>
Total	138,628,452
Source of funds	
General fund	186,726
Special funds	471,611
Internal service funds	<u>137,970,115</u>
Total	138,628,452
Sec. B.106 Finance and management - budget and management	
Personal services	1,456,438
Operating expenses	<u>306,717</u>
Total	1,763,155
Source of funds	
General fund	1,143,286
Internal service funds	<u>619,869</u>
Total	1,763,155
Sec. B.107 Finance and management - financial operations	
Personal services	2,555,838
Operating expenses	<u>810,848</u>
Total	3,366,686
Source of funds	
Internal service funds	<u>3,366,686</u>
Total	3,366,686
Sec. B.108 Human resources - operations	
Personal services	10,175,933
Operating expenses	<u>1,483,759</u>
Total	11,659,692
Source of funds	
General fund	1,777,169
Special funds	263,589
Internal service funds	9,127,114
Interdepartmental transfers	<u>491,820</u>
Total	11,659,692
Sec. B.108.1 Human resources - VTHR operations	
Personal services	1,909,749
Operating expenses	<u>693,001</u>
Total	2,602,750
Source of funds	
Internal service funds	<u>2,602,750</u>
Total	2,602,750

 Sec. B.109 Human resources - employee benefits & wellness

Personal services	1,140,195
Operating expenses	<u>655,062</u>
Total	1,795,257
Source of funds	
Internal service funds	<u>1,795,257</u>
Total	1,795,257

Sec. B.110 Libraries

Personal services	2,404,179
Operating expenses	906,958
Grants	<u>230,214</u>
Total	3,541,351
Source of funds	
General fund	2,088,614
Special funds	73,614
Federal funds	1,251,244
Interdepartmental transfers	<u>127,879</u>
Total	3,541,351

Sec. B.111 Tax - administration/collection

Personal services	25,023,254
Operating expenses	<u>5,787,491</u>
Total	30,810,745
Source of funds	
General fund	22,406,475
Special funds	8,359,270
Interdepartmental transfers	<u>45,000</u>
Total	30,810,745

Sec. B.112 Buildings and general services - administration

Personal services	988,938
Operating expenses	<u>333,561</u>
Total	1,322,499
Source of funds	
Interdepartmental transfers	<u>1,322,499</u>
Total	1,322,499

Sec. B.113 Buildings and general services - engineering

Personal services	45,644
Operating expenses	<u>1,230,723</u>
Total	1,276,367

Source of funds	
General fund	<u>1,276,367</u>
Total	1,276,367
Sec. B.113.1 Buildings and General Services Engineering - Capital Projects	
Personal services	2,730,738
Operating expenses	<u>500,000</u>
Total	3,230,738
Source of funds	
General fund	2,730,738
Interdepartmental transfers	<u>500,000</u>
Total	3,230,738
Sec. B.114 Buildings and general services - information centers	
Personal services	3,646,408
Operating expenses	<u>1,801,847</u>
Total	5,448,255
Source of funds	
General fund	668,401
Transportation fund	4,235,134
Special funds	<u>544,720</u>
Total	5,448,255
Sec. B.115 Buildings and general services - purchasing	
Personal services	1,670,521
Operating expenses	<u>191,576</u>
Total	1,862,097
Source of funds	
General fund	1,481,008
Interdepartmental transfers	<u>381,089</u>
Total	1,862,097
Sec. B.116 Buildings and general services - postal services	
Personal services	800,527
Operating expenses	<u>173,126</u>
Total	973,653
Source of funds	
General fund	87,613
Internal service funds	<u>886,040</u>
Total	973,653
Sec. B.117 Buildings and general services - copy center	
Personal services	898,526

Operating expenses	<u>208,536</u>
Total	1,107,062
Source of funds	
Internal service funds	<u>1,107,062</u>
Total	1,107,062
Sec. B.118 Buildings and general services - fleet management services	
Personal services	888,607
Operating expenses	<u>245,134</u>
Total	1,133,741
Source of funds	
Internal service funds	<u>1,133,741</u>
Total	1,133,741
Sec. B.119 Buildings and general services - federal surplus property	
Operating expenses	<u>4,298</u>
Total	4,298
Source of funds	
Enterprise funds	<u>4,298</u>
Total	4,298
Sec. B.120 Buildings and general services - state surplus property	
Personal services	340,128
Operating expenses	<u>169,529</u>
Total	509,657
Source of funds	
Internal service funds	<u>509,657</u>
Total	509,657
Sec. B.121 Buildings and general services - property management	
Personal services	1,625,691
Operating expenses	<u>465,485</u>
Total	2,091,176
Source of funds	
Internal service funds	<u>2,091,176</u>
Total	2,091,176
Sec. B.122 Buildings and general services - fee for space	
Personal services	18,762,037
Operating expenses	<u>17,272,131</u>
Total	36,034,168
Source of funds	
Internal service funds	35,964,112

Interdepartmental transfers	<u>70,056</u>
Total	36,034,168
Sec. B.124 Executive office - governor's office	
Personal services	1,583,965
Operating expenses	<u>467,778</u>
Total	2,051,743
Source of funds	
General fund	1,801,931
Interdepartmental transfers	<u>249,812</u>
Total	2,051,743
Sec. B.125 Legislative counsel	
Personal services	3,633,429
Operating expenses	<u>291,348</u>
Total	3,924,777
Source of funds	
General fund	<u>3,924,777</u>
Total	3,924,777
Sec. B.126 Legislature	
Personal services	5,898,458
Operating expenses	<u>4,649,260</u>
Total	10,547,718
Source of funds	
General fund	<u>10,547,718</u>
Total	10,547,718
Sec. B.126.1 Legislative information technology	
Personal services	1,279,864
Operating expenses	<u>663,583</u>
Total	1,943,447
Source of funds	
General fund	<u>1,943,447</u>
Total	1,943,447
Sec. B.127 Joint fiscal committee	
Personal services	2,517,690
Operating expenses	<u>191,250</u>
Total	2,708,940
Source of funds	
General fund	<u>2,708,940</u>
Total	2,708,940

Sec. B.128 Sergeant at arms	
Personal services	1,404,247
Operating expenses	<u>130,514</u>
Total	1,534,761
Source of funds	
General fund	<u>1,534,761</u>
Total	1,534,761
Sec. B.129 Lieutenant governor	
Personal services	258,394
Operating expenses	<u>44,090</u>
Total	302,484
Source of funds	
General fund	<u>302,484</u>
Total	302,484
Sec. B.130 Auditor of accounts	
Personal services	4,160,946
Operating expenses	<u>183,967</u>
Total	4,344,913
Source of funds	
General fund	372,808
Special funds	53,145
Internal service funds	<u>3,918,960</u>
Total	4,344,913
Sec. B.131 State treasurer	
Personal services	5,374,687
Operating expenses	273,230
Grants	<u>400,000</u>
Total	6,047,917
Source of funds	
General fund	2,148,837
Special funds	3,737,463
Interdepartmental transfers	<u>161,617</u>
Total	6,047,917
Sec. B.132 State treasurer - unclaimed property	
Personal services	809,823
Operating expenses	<u>386,790</u>
Total	1,196,613
Source of funds	

Interdepartmental transfers	0
Private purpose trust funds	<u>1,196,613</u>
Total	1,196,613
Sec. B.133 Vermont state retirement system	
Personal services	221,698
Operating expenses	<u>2,768,981</u>
Total	2,990,679
Source of funds	
Pension trust funds	<u>2,990,679</u>
Total	2,990,679
Sec. B.134 Municipal employees' retirement system	
Personal services	222,371
Operating expenses	<u>1,499,452</u>
Total	1,721,823
Source of funds	
Pension trust funds	<u>1,721,823</u>
Total	1,721,823
Sec. B.134.1 Vermont Pension Investment Commission	
Personal services	2,129,637
Operating expenses	<u>248,561</u>
Total	2,378,198
Source of funds	
Special funds	<u>2,378,198</u>
Total	2,378,198
Sec. B.135 State labor relations board	
Personal services	258,094
Operating expenses	<u>49,671</u>
Total	307,765
Source of funds	
General fund	298,189
Special funds	6,788
Interdepartmental transfers	<u>2,788</u>
Total	307,765
Sec. B.136 VOSHA review board	
Personal services	86,954
Operating expenses	<u>15,054</u>
Total	102,008
Source of funds	

FRIDAY, MAY 12, 2023

2131

General fund	51,004
Interdepartmental transfers	<u>51,004</u>
Total	102,008
Sec. B.136.1 Ethics Commission	
Personal services	147,767
Operating expenses	<u>41,660</u>
Total	189,427
Source of funds	
Internal service funds	<u>189,427</u>
Total	189,427
Sec. B.137 Homeowner rebate	
Grants	<u>16,250,000</u>
Total	16,250,000
Source of funds	
General fund	<u>16,250,000</u>
Total	16,250,000
Sec. B.138 Renter rebate	
Grants	<u>9,500,000</u>
Total	9,500,000
Source of funds	
General fund	<u>9,500,000</u>
Total	9,500,000
Sec. B.139 Tax department - reappraisal and listing payments	
Grants	<u>3,394,500</u>
Total	3,394,500
Source of funds	
General fund	<u>3,394,500</u>
Total	3,394,500
Sec. B.140 Municipal current use	
Grants	<u>18,600,000</u>
Total	18,600,000
Source of funds	
General fund	<u>18,600,000</u>
Total	18,600,000
Sec. B.142 Payments in lieu of taxes	
Grants	<u>12,280,750</u>
Total	12,280,750

Source of funds	
Special funds	<u>12,280,750</u>
Total	12,280,750
Sec. B.143 Payments in lieu of taxes - Montpelier	
Grants	<u>184,000</u>
Total	184,000
Source of funds	
Special funds	<u>184,000</u>
Total	184,000
Sec. B.144 Payments in lieu of taxes - correctional facilities	
Grants	<u>40,000</u>
Total	40,000
Source of funds	
Special funds	<u>40,000</u>
Total	40,000
Sec. B.145 Total general government	
Source of funds	
General fund	118,585,063
Transportation fund	4,235,134
Special funds	28,493,148
Federal funds	1,251,244
Internal service funds	203,532,178
Interdepartmental transfers	5,157,757
Enterprise funds	4,298
Pension trust funds	4,712,502
Private purpose trust funds	<u>1,196,613</u>
Total	367,167,937
Sec. B.200 Attorney general	
Personal services	12,957,305
Operating expenses	1,696,265
Grants	<u>20,000</u>
Total	14,673,570
Source of funds	
General fund	6,974,796
Special funds	2,142,678
Tobacco fund	422,000
Federal funds	1,583,958
Interdepartmental transfers	<u>3,550,138</u>
Total	14,673,570

Sec. B.201 Vermont court diversion	
Personal services	1,250
Grants	<u>3,142,971</u>
Total	3,144,221
Source of funds	
General fund	2,886,224
Special funds	<u>257,997</u>
Total	3,144,221
Sec. B.202 Defender general - public defense	
Personal services	15,416,603
Operating expenses	<u>1,235,698</u>
Total	16,652,301
Source of funds	
General fund	15,912,648
Special funds	589,653
Interdepartmental transfers	<u>150,000</u>
Total	16,652,301
Sec. B.203 Defender general - assigned counsel	
Personal services	7,213,974
Operating expenses	<u>49,500</u>
Total	7,263,474
Source of funds	
General fund	<u>7,263,474</u>
Total	7,263,474
Sec. B.204 Judiciary	
Personal services	52,555,909
Operating expenses	11,583,876
Grants	<u>121,030</u>
Total	64,260,815
Source of funds	
General fund	58,250,863
Special funds	2,888,542
Federal funds	953,928
Interdepartmental transfers	<u>2,167,482</u>
Total	64,260,815
Sec. B.205 State's attorneys	
Personal services	14,787,744
Operating expenses	<u>1,999,496</u>

Total	16,787,240
Source of funds	
General fund	15,904,997
Special funds	109,778
Federal funds	233,490
Interdepartmental transfers	<u>538,975</u>
Total	16,787,240
Sec. B.206 Special investigative unit	
Personal services	64,287
Operating expenses	24,295
Grants	<u>2,140,047</u>
Total	2,228,629
Source of funds	
General fund	<u>2,228,629</u>
Total	2,228,629
Sec. B.206.1 Crime Victims Advocates	
Personal services	2,604,804
Operating expenses	<u>106,693</u>
Total	2,711,497
Source of funds	
General fund	<u>2,711,497</u>
Total	2,711,497
Sec. B.207 Sheriffs	
Personal services	4,698,652
Operating expenses	<u>390,662</u>
Total	5,089,314
Source of funds	
General fund	<u>5,089,314</u>
Total	5,089,314
Sec. B.208 Public safety - administration	
Personal services	4,539,941
Operating expenses	5,417,264
Grants	<u>357,986</u>
Total	10,315,191
Source of funds	
General fund	6,001,814
Special funds	4,105
Federal funds	547,260
Interdepartmental transfers	<u>3,762,012</u>

Total	10,315,191
Sec. B.209 Public safety - state police	
Personal services	67,754,321
Operating expenses	13,861,460
Grants	<u>1,591,501</u>
Total	83,207,282
Source of funds	
General fund	53,896,213
Transportation fund	20,250,000
Special funds	3,166,387
Federal funds	4,311,304
Interdepartmental transfers	<u>1,583,378</u>
Total	83,207,282
Sec. B.210 Public safety - criminal justice services	
Personal services	5,378,976
Operating expenses	<u>1,582,009</u>
Total	6,960,985
Source of funds	
General fund	1,467,321
Special funds	4,970,533
Federal funds	<u>523,131</u>
Total	6,960,985
Sec. B.211 Public safety - emergency management	
Personal services	4,561,578
Operating expenses	1,224,288
Grants	<u>25,350,252</u>
Total	31,136,118
Source of funds	
General fund	668,427
Special funds	710,000
Federal funds	29,561,807
Interdepartmental transfers	<u>195,884</u>
Total	31,136,118
Sec. B.212 Public safety - fire safety	
Personal services	8,663,478
Operating expenses	2,974,022
Grants	<u>107,000</u>
Total	11,744,500
Source of funds	

General fund	1,505,641
Special funds	9,567,787
Federal funds	626,072
Interdepartmental transfers	<u>45,000</u>
Total	11,744,500
Sec. B.213 Public safety - Forensic Laboratory	
Personal services	3,563,059
Operating expenses	<u>1,198,044</u>
Total	4,761,103
Source of funds	
General fund	3,626,083
Special funds	66,395
Federal funds	532,582
Interdepartmental transfers	<u>536,043</u>
Total	4,761,103
Sec. B.215 Military - administration	
Personal services	958,260
Operating expenses	746,963
Grants	<u>1,319,834</u>
Total	3,025,057
Source of funds	
General fund	<u>3,025,057</u>
Total	3,025,057
Sec. B.216 Military - air service contract	
Personal services	9,124,240
Operating expenses	<u>1,396,315</u>
Total	10,520,555
Source of funds	
General fund	665,922
Federal funds	<u>9,854,633</u>
Total	10,520,555
Sec. B.217 Military - army service contract	
Personal services	41,464,878
Operating expenses	<u>7,542,958</u>
Total	49,007,836
Source of funds	
Federal funds	<u>49,007,836</u>
Total	49,007,836

Sec. B.218 Military - building maintenance	
Personal services	789,478
Operating expenses	<u>937,403</u>
Total	1,726,881
Source of funds	
General fund	1,664,381
Special funds	<u>62,500</u>
Total	1,726,881
Sec. B.219 Military - veterans' affairs	
Personal services	1,204,996
Operating expenses	202,180
Grants	<u>33,300</u>
Total	1,440,476
Source of funds	
General fund	1,092,634
Special funds	241,942
Federal funds	<u>105,900</u>
Total	1,440,476
Sec. B.220 Center for crime victim services	
Personal services	1,967,547
Operating expenses	391,397
Grants	<u>9,181,723</u>
Total	11,540,667
Source of funds	
General fund	1,472,674
Special funds	3,461,972
Federal funds	<u>6,606,021</u>
Total	11,540,667
Sec. B.221 Criminal justice council	
Personal services	2,360,658
Operating expenses	<u>1,711,725</u>
Total	4,072,383
Source of funds	
General fund	3,720,035
Interdepartmental transfers	<u>352,348</u>
Total	4,072,383
Sec. B.222 Agriculture, food and markets - administration	
Personal services	2,648,873

Operating expenses	367,498
Grants	<u>217,222</u>
Total	3,233,593
Source of funds	
General fund	1,467,038
Special funds	1,242,062
Federal funds	<u>524,493</u>
Total	3,233,593
Sec. B.223 Agriculture, food and markets - food safety and consumer protection	
Personal services	4,963,520
Operating expenses	1,096,940
Grants	<u>2,780,000</u>
Total	8,840,460
Source of funds	
General fund	3,281,095
Special funds	3,942,188
Federal funds	1,605,177
Interdepartmental transfers	<u>12,000</u>
Total	8,840,460
Sec. B.224 Agriculture, food and markets - agricultural development	
Personal services	6,409,252
Operating expenses	678,344
Grants	<u>15,063,425</u>
Total	22,151,021
Source of funds	
General fund	3,068,393
Special funds	627,904
Federal funds	<u>18,454,724</u>
Total	22,151,021
Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship	
Personal services	2,594,186
Operating expenses	979,802
Grants	<u>212,000</u>
Total	3,785,988
Source of funds	
General fund	745,509
Special funds	2,297,266

Federal funds	390,117
Interdepartmental transfers	<u>353,096</u>
Total	3,785,988
Sec. B.225.1 Agriculture, food and markets - Vermont Agriculture and Environmental Lab	
Personal services	1,711,447
Operating expenses	<u>1,363,276</u>
Total	3,074,723
Source of funds	
General fund	1,296,731
Special funds	1,715,459
Interdepartmental transfers	<u>62,533</u>
Total	3,074,723
Sec. B.225.2 Agriculture, Food and Markets - Clean Water	
Personal services	3,637,927
Operating expenses	575,499
Grants	<u>6,580,630</u>
Total	10,794,056
Source of funds	
General fund	1,732,136
Special funds	8,248,477
Federal funds	462,351
Interdepartmental transfers	<u>351,092</u>
Total	10,794,056
Sec. B.226 Financial regulation - administration	
Personal services	2,580,669
Operating expenses	<u>159,635</u>
Total	2,740,304
Source of funds	
Special funds	<u>2,740,304</u>
Total	2,740,304
Sec. B.227 Financial regulation - banking	
Personal services	2,426,962
Operating expenses	<u>510,179</u>
Total	2,937,141
Source of funds	
Special funds	<u>2,937,141</u>
Total	2,937,141

Sec. B.228 Financial regulation - insurance

Personal services	4,872,900
Operating expenses	<u>634,698</u>
Total	5,507,598
Source of funds	
Special funds	<u>5,507,598</u>
Total	5,507,598

Sec. B.229 Financial regulation - captive insurance

Personal services	5,294,300
Operating expenses	<u>710,775</u>
Total	6,005,075
Source of funds	
Special funds	<u>6,005,075</u>
Total	6,005,075

Sec. B.230 Financial regulation - securities

Personal services	1,294,776
Operating expenses	<u>279,335</u>
Total	1,574,111
Source of funds	
Special funds	<u>1,574,111</u>
Total	1,574,111

Sec. B.232 Secretary of state

Personal services	17,824,897
Operating expenses	<u>3,932,905</u>
Total	21,757,802
Source of funds	
Special funds	16,241,811
Federal funds	<u>5,515,991</u>
Total	21,757,802

Sec. B.233 Public service - regulation and energy

Personal services	11,014,203
Operating expenses	1,730,270
Grants	<u>328,300</u>
Total	13,072,773
Source of funds	
Special funds	12,310,355
Federal funds	741,706
Enterprise funds	<u>20,712</u>

Total	13,072,773
Sec. B.233.1 VT Community Broadband Board	
Personal services	1,211,623
Operating expenses	155,443
Grants	<u>1,300,000</u>
Total	2,667,066
Source of funds	
Special funds	1,110,687
Federal funds	<u>1,556,379</u>
Total	2,667,066
Sec. B.234 Public utility commission	
Personal services	3,913,942
Operating expenses	<u>549,933</u>
Total	4,463,875
Source of funds	
Special funds	<u>4,463,875</u>
Total	4,463,875
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	4,344,046
Operating expenses	<u>451,287</u>
Total	4,795,333
Source of funds	
Special funds	<u>4,795,333</u>
Total	4,795,333
Sec. B.236 Human rights commission	
Personal services	915,815
Operating expenses	<u>90,104</u>
Total	1,005,919
Source of funds	
General fund	920,110
Federal funds	<u>85,809</u>
Total	1,005,919
Sec. B.236.1 Liquor & Lottery Comm. Office	
Personal services	8,610,070
Operating expenses	<u>5,529,374</u>
Total	14,139,444
Source of funds	
Special funds	60,000

Tobacco fund	213,843
Interdepartmental transfers	70,000
Enterprise funds	<u>13,795,601</u>
Total	14,139,444
Sec. B.240 Cannabis Control Board	
Personal services	4,829,061
Operating expenses	<u>341,631</u>
Total	5,170,692
Source of funds	
Special funds	<u>5,170,692</u>
Total	5,170,692
Sec. B.241 Total protection to persons and property	
Source of funds	
General fund	208,539,656
Transportation fund	20,250,000
Special funds	109,230,607
Tobacco fund	635,843
Federal funds	133,784,669
Interdepartmental transfers	13,729,981
Enterprise funds	<u>13,816,313</u>
Total	499,987,069
Sec. B.300 Human services - agency of human services - secretary's office	
Personal services	14,083,686
Operating expenses	5,402,086
Grants	<u>2,895,202</u>
Total	22,380,974
Source of funds	
General fund	9,767,874
Special funds	135,517
Federal funds	11,678,441
Interdepartmental transfers	<u>799,142</u>
Total	22,380,974
Sec. B.301 Secretary's office - global commitment	
Grants	<u>1,990,896,293</u>
Total	1,990,896,293
Source of funds	
General fund	648,528,785
Special funds	32,994,384
Tobacco fund	21,049,373

State health care resources fund	25,265,312
Federal funds	1,259,024,269
Interdepartmental transfers	<u>4,034,170</u>
Total	1,990,896,293
Sec. B.303 Developmental disabilities council	
Personal services	458,902
Operating expenses	95,330
Grants	<u>191,595</u>
Total	745,827
Source of funds	
Special funds	12,000
Federal funds	<u>733,827</u>
Total	745,827
Sec. B.304 Human services board	
Personal services	648,082
Operating expenses	<u>89,467</u>
Total	737,549
Source of funds	
General fund	452,996
Federal funds	<u>284,553</u>
Total	737,549
Sec. B.305 AHS - administrative fund	
Personal services	330,000
Operating expenses	<u>13,170,000</u>
Total	13,500,000
Source of funds	
Interdepartmental transfers	<u>13,500,000</u>
Total	13,500,000
Sec. B.306 Department of Vermont health access - administration	
Personal services	136,568,959
Operating expenses	44,391,640
Grants	<u>2,912,301</u>
Total	183,872,900
Source of funds	
General fund	35,605,917
Special funds	4,753,011
Federal funds	134,621,243
Global Commitment fund	4,220,337
Interdepartmental transfers	<u>4,672,392</u>

Total	183,872,900
Sec. B.307 Department of Vermont health access - Medicaid program - global commitment	
Personal services	547,983
Grants	<u>932,542,238</u>
Total	933,090,221
Source of funds	
Global Commitment fund	<u>933,090,221</u>
Total	933,090,221
Sec. B.309 Department of Vermont health access - Medicaid program - state only	
Grants	<u>53,067,318</u>
Total	53,067,318
Source of funds	
General fund	53,062,626
Global Commitment fund	<u>4,692</u>
Total	53,067,318
Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched	
Grants	<u>34,621,472</u>
Total	34,621,472
Source of funds	
General fund	12,634,069
Federal funds	<u>21,987,403</u>
Total	34,621,472
Sec. B.311 Health - administration and support	
Personal services	8,154,782
Operating expenses	7,410,428
Grants	<u>16,697,133</u>
Total	32,262,343
Source of funds	
General fund	3,131,446
Special funds	2,160,065
Federal funds	20,169,147
Global Commitment fund	6,732,468
Interdepartmental transfers	<u>69,217</u>
Total	32,262,343

 Sec. B.312 Health - public health

Personal services	64,592,946
Operating expenses	13,047,530
Grants	<u>45,946,724</u>
Total	123,587,200
Source of funds	
General fund	12,408,429
Special funds	25,017,725
Tobacco fund	1,088,918
Federal funds	66,753,896
Global Commitment fund	16,582,951
Interdepartmental transfers	1,710,281
Permanent trust funds	<u>25,000</u>
Total	123,587,200

Sec. B.313 Health - substance use programs

Personal services	6,253,749
Operating expenses	511,500
Grants	<u>61,041,638</u>
Total	67,806,887
Source of funds	
General fund	5,591,811
Special funds	1,435,054
Tobacco fund	949,917
Federal funds	21,771,442
Global Commitment fund	<u>38,058,663</u>
Total	67,806,887

Sec. B.314 Mental health - mental health

Personal services	47,716,644
Operating expenses	5,272,240
Grants	<u>264,539,814</u>
Total	317,528,698
Source of funds	
General fund	25,282,556
Special funds	1,708,155
Federal funds	10,999,654
Global Commitment fund	279,524,193
Interdepartmental transfers	<u>14,140</u>
Total	317,528,698

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

Personal services	44,446,942
Operating expenses	17,162,151
Grants	<u>3,919,106</u>
Total	65,528,199
Source of funds	
General fund	37,090,554
Special funds	2,781,912
Federal funds	23,540,549
Global Commitment fund	1,659,321
Interdepartmental transfers	<u>455,863</u>
Total	65,528,199

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

Personal services	43,987,652
Operating expenses	5,180,385
Grants	<u>93,421,639</u>
Total	142,589,676
Source of funds	
General fund	59,707,017
Special funds	729,587
Federal funds	33,937,204
Global Commitment fund	48,178,131
Interdepartmental transfers	<u>37,737</u>
Total	142,589,676

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

Personal services	5,670,999
Operating expenses	810,497
Grants	<u>95,860,842</u>
Total	102,342,338
Source of funds	
General fund	35,016,309
Special funds	16,745,000
Federal funds	37,419,258
Global Commitment fund	<u>13,161,771</u>
Total	102,342,338

Sec. B.319 Department for children and families - office of child support

Personal services	12,411,108
Operating expenses	<u>3,714,732</u>

Total	16,125,840
Source of funds	
General fund	4,900,195
Special funds	455,719
Federal funds	10,382,326
Interdepartmental transfers	<u>387,600</u>
Total	16,125,840
Sec. B.320 Department for children and families - aid to aged, blind and disabled	
Personal services	2,252,206
Grants	<u>10,431,118</u>
Total	12,683,324
Source of funds	
General fund	7,533,333
Global Commitment fund	<u>5,149,991</u>
Total	12,683,324
Sec. B.321 Department for children and families - general assistance	
Personal services	15,000
Grants	<u>10,323,574</u>
Total	10,338,574
Source of funds	
General fund	10,041,239
Federal funds	11,320
Global Commitment fund	<u>286,015</u>
Total	10,338,574
Sec. B.322 Department for children and families - 3SquaresVT	
Grants	<u>44,377,812</u>
Total	44,377,812
Source of funds	
Federal funds	<u>44,377,812</u>
Total	44,377,812
Sec. B.323 Department for children and families - reach up	
Operating expenses	30,633
Grants	<u>35,536,413</u>
Total	35,567,046
Source of funds	
General fund	23,233,869
Special funds	5,970,229
Federal funds	3,531,330

Global Commitment fund	<u>2,831,618</u>
Total	35,567,046
Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP	
Grants	<u>16,019,953</u>
Total	16,019,953
Source of funds	
Special funds	1,480,395
Federal funds	<u>14,539,558</u>
Total	16,019,953
Sec. B.325 Department for children and families - office of economic opportunity	
Personal services	758,166
Operating expenses	95,628
Grants	<u>27,534,109</u>
Total	28,387,903
Source of funds	
General fund	20,942,194
Special funds	83,135
Federal funds	4,935,273
Global Commitment fund	<u>2,427,301</u>
Total	28,387,903
Sec. B.326 Department for children and families - OEO - weatherization assistance	
Personal services	415,233
Operating expenses	251,470
Grants	<u>11,838,018</u>
Total	12,504,721
Source of funds	
Special funds	7,649,635
Federal funds	<u>4,855,086</u>
Total	12,504,721
Sec. B.327 Department for Children and Families - Secure Residential Treatment	
Personal services	258,100
Operating expenses	153,597
Grants	<u>3,476,862</u>
Total	3,888,559
Source of funds	

General fund	3,858,559
Global Commitment fund	<u>30,000</u>
Total	3,888,559
Sec. B.328 Department for children and families - disability determination services	
Personal services	7,486,999
Operating expenses	<u>489,130</u>
Total	7,976,129
Source of funds	
General fund	118,796
Federal funds	<u>7,857,333</u>
Total	7,976,129
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	42,900,084
Operating expenses	<u>6,323,252</u>
Total	49,223,336
Source of funds	
General fund	21,899,725
Special funds	1,390,457
Federal funds	24,831,870
Global Commitment fund	35,000
Interdepartmental transfers	<u>1,066,284</u>
Total	49,223,336
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	<u>22,380,328</u>
Total	22,380,328
Source of funds	
General fund	9,220,695
Federal funds	7,321,114
Global Commitment fund	<u>5,838,519</u>
Total	22,380,328
Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired	
Grants	<u>1,907,604</u>
Total	1,907,604
Source of funds	
General fund	489,154

Special funds	223,450
Federal funds	890,000
Global Commitment fund	<u>305,000</u>
Total	1,907,604
Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation	
Grants	<u>10,179,845</u>
Total	10,179,845
Source of funds	
General fund	1,371,845
Federal funds	7,558,000
Interdepartmental transfers	<u>1,250,000</u>
Total	10,179,845
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>308,668,057</u>
Total	308,668,057
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	431,512
Global Commitment fund	308,015,957
Interdepartmental transfers	<u>50,000</u>
Total	308,668,057
Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver	
Grants	<u>6,638,028</u>
Total	6,638,028
Source of funds	
Global Commitment fund	<u>6,638,028</u>
Total	6,638,028
Sec. B.334.1 Disabilities, aging and independent living - Long Term Care	
Grants	<u>268,715,683</u>
Total	268,715,683
Source of funds	
General fund	498,579
Federal funds	2,450,000
Global Commitment fund	<u>265,767,104</u>
Total	268,715,683

Sec. B.335 Corrections - administration	
Personal services	3,806,377
Operating expenses	<u>243,057</u>
Total	4,049,434
Source of funds	
General fund	<u>4,049,434</u>
Total	4,049,434
Sec. B.336 Corrections - parole board	
Personal services	412,972
Operating expenses	<u>59,257</u>
Total	472,229
Source of funds	
General fund	<u>472,229</u>
Total	472,229
Sec. B.337 Corrections - correctional education	
Personal services	3,648,027
Operating expenses	<u>245,425</u>
Total	3,893,452
Source of funds	
General fund	3,744,668
Education fund	0
Interdepartmental transfers	<u>148,784</u>
Total	3,893,452
Sec. B.338 Corrections - correctional services	
Personal services	139,473,576
Operating expenses	<u>24,600,099</u>
Total	164,073,675
Source of funds	
General fund	159,502,946
Special funds	935,963
Federal funds	492,196
Global Commitment fund	2,746,255
Interdepartmental transfers	<u>396,315</u>
Total	164,073,675
Sec. B.338.1 Corrections - Justice Reinvestment II	
Grants	<u>10,659,519</u>
Total	10,659,519
Source of funds	

General fund	8,081,831
Federal funds	13,147
Global Commitment fund	<u>2,564,541</u>
Total	10,659,519
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	<u>4,130,378</u>
Total	4,130,378
Source of funds	
General fund	<u>4,130,378</u>
Total	4,130,378
Sec. B.340 Corrections - correctional facilities - recreation	
Personal services	598,105
Operating expenses	<u>455,845</u>
Total	1,053,950
Source of funds	
Special funds	<u>1,053,950</u>
Total	1,053,950
Sec. B.341 Corrections - Vermont offender work program	
Personal services	1,220,613
Operating expenses	<u>525,784</u>
Total	1,746,397
Source of funds	
Internal service funds	<u>1,746,397</u>
Total	1,746,397
Sec. B.342 Vermont veterans' home - care and support services	
Personal services	18,187,631
Operating expenses	<u>5,978,873</u>
Total	24,166,504
Source of funds	
General fund	4,199,478
Special funds	11,655,797
Federal funds	<u>8,311,229</u>
Total	24,166,504
Sec. B.343 Commission on women	
Personal services	396,540
Operating expenses	<u>74,880</u>
Total	471,420
Source of funds	

FRIDAY, MAY 12, 2023

2153

General fund	467,572
Special funds	<u>3,848</u>
Total	471,420
Sec. B.344 Retired senior volunteer program	
Grants	<u>155,490</u>
Total	155,490
Source of funds	
General fund	<u>155,490</u>
Total	155,490
Sec. B.345 Green Mountain Care Board	
Personal services	8,136,639
Operating expenses	<u>402,594</u>
Total	8,539,233
Source of funds	
General fund	3,392,339
Special funds	<u>5,146,894</u>
Total	8,539,233
Sec. B.346 Office of the Child, Youth, and Family Advocate	
Personal services	387,000
Operating expenses	<u>26,000</u>
Total	413,000
Source of funds	
General fund	<u>413,000</u>
Total	413,000
Sec. B.347 Total human services	
Source of funds	
General fund	1,231,153,062
Special funds	124,537,345
Tobacco fund	23,088,208
State health care resources fund	25,265,312
Education fund	0
Federal funds	1,785,709,992
Global Commitment fund	1,943,848,077
Internal service funds	1,746,397
Interdepartmental transfers	28,591,925
Permanent trust funds	<u>25,000</u>
Total	5,163,965,318

Sec. B.400 Labor - programs

Personal services	40,642,780
Operating expenses	5,955,495
Grants	<u>12,432,900</u>
Total	59,031,175
Source of funds	
General fund	10,600,636
Special funds	10,806,858
Federal funds	37,373,681
Interdepartmental transfers	<u>250,000</u>
Total	59,031,175

Sec. B.401 Total labor

Source of funds	
General fund	10,600,636
Special funds	10,806,858
Federal funds	37,373,681
Interdepartmental transfers	<u>250,000</u>
Total	59,031,175

Sec. B.500 Education - finance and administration

Personal services	17,683,192
Operating expenses	4,387,522
Grants	<u>15,270,700</u>
Total	37,341,414
Source of funds	
General fund	7,415,742
Special funds	16,575,926
Education fund	3,486,447
Federal funds	9,220,942
Global Commitment fund	260,000
Interdepartmental transfers	<u>382,357</u>
Total	37,341,414

Sec. B.501 Education - education services

Personal services	30,951,380
Operating expenses	1,074,585
Grants	<u>460,105,273</u>
Total	492,131,238
Source of funds	
General fund	5,293,183
Special funds	2,919,560

Tobacco fund	750,388
Federal funds	<u>483,168,107</u>
Total	492,131,238
Sec. B.502 Education - special education: formula grants	
Grants	<u>226,195,600</u>
Total	226,195,600
Source of funds	
Education fund	<u>226,195,600</u>
Total	226,195,600
Sec. B.503 Education - state-placed students	
Grants	<u>19,000,000</u>
Total	19,000,000
Source of funds	
Education fund	<u>19,000,000</u>
Total	19,000,000
Sec. B.504 Education - adult education and literacy	
Grants	<u>4,412,900</u>
Total	4,412,900
Source of funds	
General fund	3,496,850
Federal funds	<u>916,050</u>
Total	4,412,900
Sec. B.504.1 Education - Flexible Pathways	
Grants	<u>10,143,000</u>
Total	10,143,000
Source of funds	
General fund	921,500
Education fund	<u>9,221,500</u>
Total	10,143,000
Sec. B.505 Education - adjusted education payment	
Grants	<u>1,703,317,103</u>
Total	1,703,317,103
Source of funds	
Education fund	<u>1,703,317,103</u>
Total	1,703,317,103
Sec. B.506 Education - transportation	
Grants	<u>23,520,000</u>

Total	23,520,000
Source of funds	
Education fund	<u>23,520,000</u>
Total	23,520,000
Sec. B.507 Education - small school grants	
Grants	<u>8,300,000</u>
Total	8,300,000
Source of funds	
Education fund	<u>8,300,000</u>
Total	8,300,000
Sec. B.509 Education - Afterschool Grant Program	
Grants	<u>4,000,000</u>
Total	4,000,000
Source of funds	
Education fund	<u>4,000,000</u>
Total	4,000,000
Sec. B.510 Education - essential early education grant	
Grants	<u>8,350,389</u>
Total	8,350,389
Source of funds	
Education fund	<u>8,350,389</u>
Total	8,350,389
Sec. B.511 Education - technical education	
Grants	<u>17,030,400</u>
Total	17,030,400
Source of funds	
Education fund	<u>17,030,400</u>
Total	17,030,400
Sec. B.511.1 State Board of Education	
Personal services	38,905
Operating expenses	<u>31,803</u>
Total	70,708
Source of funds	
General fund	<u>70,708</u>
Total	70,708
Sec. B.513 Retired Teachers Pension Plus Funding	
Grants	<u>9,000,000</u>

Total	9,000,000
Source of funds	
General fund	<u>9,000,000</u>
Total	9,000,000
Sec. B.514 State teachers' retirement system	
Grants	<u>184,811,051</u>
Total	184,811,051
Source of funds	
General fund	151,682,914
Education fund	<u>33,128,137</u>
Total	184,811,051
Sec. B.514.1 State teachers' retirement system administration	
Personal services	359,615
Operating expenses	<u>3,088,640</u>
Total	3,448,255
Source of funds	
Pension trust funds	<u>3,448,255</u>
Total	3,448,255
Sec. B.515 Retired teachers' health care and medical benefits	
Grants	<u>53,740,528</u>
Total	53,740,528
Source of funds	
General fund	38,318,167
Education fund	<u>15,422,361</u>
Total	53,740,528
Sec. B.516 Total general education	
Source of funds	
General fund	216,199,064
Special funds	19,495,486
Tobacco fund	750,388
Education fund	2,070,971,937
Federal funds	493,305,099
Global Commitment fund	260,000
Interdepartmental transfers	382,357
Pension trust funds	<u>3,448,255</u>
Total	2,804,812,586
Sec. B.600 University of Vermont	
Grants	<u>54,084,366</u>

Total	54,084,366
Source of funds	
General fund	<u>54,084,366</u>
Total	54,084,366
Sec. B.602 Vermont state colleges	
Grants	<u>30,500,464</u>
Total	30,500,464
Source of funds	
General fund	<u>30,500,464</u>
Total	30,500,464
Sec. B.602.2 Vermont state colleges - Transformation funding	
Grants	<u>17,500,000</u>
Total	17,500,000
Source of funds	
General fund	<u>17,500,000</u>
Total	17,500,000
Sec. B.603 Vermont state colleges - allied health	
Grants	<u>1,157,775</u>
Total	1,157,775
Source of funds	
General fund	748,314
Global Commitment fund	<u>409,461</u>
Total	1,157,775
Sec. B.605 Vermont student assistance corporation	
Grants	<u>25,378,588</u>
Total	25,378,588
Source of funds	
General fund	<u>25,378,588</u>
Total	25,378,588
Sec. B.605.1 VSAC - Flexible Pathways Stipend	
Grants	<u>82,450</u>
Total	82,450
Source of funds	
General fund	41,225
Education fund	<u>41,225</u>
Total	82,450

Sec. B.606 New England higher education compact	
Grants	<u>86,520</u>
Total	86,520
Source of funds	
General fund	<u>86,520</u>
Total	86,520
Sec. B.607 University of Vermont - Morgan Horse Farm	
Grants	<u>1</u>
Total	1
Source of funds	
General fund	<u>1</u>
Total	1
Sec. B.608 Total higher education	
Source of funds	
General fund	128,339,478
Education fund	41,225
Global Commitment fund	<u>409,461</u>
Total	128,790,164
Sec. B.700 Natural resources - agency of natural resources - administration	
Personal services	5,824,798
Operating expenses	<u>1,471,913</u>
Total	7,296,711
Source of funds	
General fund	4,914,987
Special funds	775,079
Interdepartmental transfers	<u>1,606,645</u>
Total	7,296,711
Sec. B.701 Natural resources - state land local property tax assessment	
Operating expenses	<u>2,674,517</u>
Total	2,674,517
Source of funds	
General fund	2,253,017
Interdepartmental transfers	<u>421,500</u>
Total	2,674,517
Sec. B.702 Fish and wildlife - support and field services	
Personal services	21,567,730
Operating expenses	7,140,027

Grants	<u>936,232</u>
Total	29,643,989
Source of funds	
General fund	7,173,206
Special funds	370,644
Fish and wildlife fund	10,921,090
Federal funds	9,793,589
Interdepartmental transfers	<u>1,385,460</u>
Total	29,643,989
Sec. B.703 Forests, parks and recreation - administration	
Personal services	1,200,585
Operating expenses	<u>1,596,687</u>
Total	2,797,272
Source of funds	
General fund	2,675,711
Special funds	<u>121,561</u>
Total	2,797,272
Sec. B.704 Forests, parks and recreation - forestry	
Personal services	7,948,381
Operating expenses	921,952
Grants	<u>1,184,458</u>
Total	10,054,791
Source of funds	
General fund	6,033,830
Special funds	702,229
Federal funds	3,098,484
Interdepartmental transfers	<u>220,248</u>
Total	10,054,791
Sec. B.705 Forests, parks and recreation - state parks	
Personal services	12,306,202
Operating expenses	3,741,476
Grants	<u>50,000</u>
Total	16,097,678
Source of funds	
General fund	690,613
Special funds	<u>15,407,065</u>
Total	16,097,678
Sec. B.706 Forests, parks and recreation - lands administration and recreation	
Personal services	2,496,749

Operating expenses	395,675
Grants	<u>2,827,587</u>
Total	5,720,011
Source of funds	
General fund	1,110,710
Special funds	2,141,005
Federal funds	2,225,851
Interdepartmental transfers	<u>242,445</u>
Total	5,720,011
Sec. B.708 Forests, parks and recreation - forest and parks access roads	
Personal services	130,000
Operating expenses	<u>99,925</u>
Total	229,925
Source of funds	
General fund	<u>229,925</u>
Total	229,925
Sec. B.709 Environmental conservation - management and support services	
Personal services	8,525,369
Operating expenses	4,700,521
Grants	<u>116,640</u>
Total	13,342,530
Source of funds	
General fund	2,039,082
Special funds	788,553
Federal funds	2,129,363
Interdepartmental transfers	<u>8,385,532</u>
Total	13,342,530
Sec. B.710 Environmental conservation - air and waste management	
Personal services	26,006,961
Operating expenses	10,026,393
Grants	<u>4,905,988</u>
Total	40,939,342
Source of funds	
General fund	193,565
Special funds	26,236,633
Federal funds	14,342,090
Interdepartmental transfers	<u>167,054</u>
Total	40,939,342

Sec. B.711 Environmental conservation - office of water programs

Personal services	48,062,786
Operating expenses	7,982,625
Grants	<u>46,863,117</u>
Total	102,908,528
Source of funds	
General fund	9,971,201
Special funds	30,662,978
Federal funds	61,487,925
Interdepartmental transfers	<u>786,424</u>
Total	102,908,528

Sec. B.713 Natural resources board

Personal services	3,082,659
Operating expenses	<u>397,315</u>
Total	3,479,974
Source of funds	
General fund	713,735
Special funds	<u>2,766,239</u>
Total	3,479,974

Sec. B.714 Total natural resources

Source of funds	
General fund	37,999,582
Special funds	79,971,986
Fish and wildlife fund	10,921,090
Federal funds	93,077,302
Interdepartmental transfers	<u>13,215,308</u>
Total	235,185,268

Sec. B.800 Commerce and community development - agency of commerce and community development - administration

Personal services	2,610,304
Operating expenses	982,307
Grants	<u>539,820</u>
Total	4,132,431
Source of funds	
General fund	3,666,442
Federal funds	351,000
Interdepartmental transfers	<u>114,989</u>
Total	4,132,431

 Sec. B.801 Economic development

Personal services	4,803,989
Operating expenses	1,050,879
Grants	<u>6,433,544</u>
Total	12,288,412
Source of funds	
General fund	5,489,902
Special funds	616,421
Federal funds	4,358,416
Interdepartmental transfers	<u>1,823,673</u>
Total	12,288,412

Sec. B.802 Housing and community development

Personal services	6,428,334
Operating expenses	705,584
Grants	<u>23,739,005</u>
Total	30,872,923
Source of funds	
General fund	5,031,943
Special funds	6,937,054
Federal funds	15,854,615
Interdepartmental transfers	<u>3,049,311</u>
Total	30,872,923

Sec. B.806 Tourism and marketing

Personal services	5,208,860
Operating expenses	8,930,168
Grants	<u>1,050,000</u>
Total	15,189,028
Source of funds	
General fund	4,630,975
Federal funds	10,483,053
Interdepartmental transfers	<u>75,000</u>
Total	15,189,028

Sec. B.808 Vermont council on the arts

Grants	<u>896,940</u>
Total	896,940
Source of funds	
General fund	<u>896,940</u>
Total	896,940

Sec. B.809 Vermont symphony orchestra

Grants	<u>145,320</u>
Total	145,320
Source of funds	
General fund	<u>145,320</u>
Total	145,320

Sec. B.810 Vermont historical society

Grants	<u>1,060,699</u>
Total	1,060,699
Source of funds	
General fund	<u>1,060,699</u>
Total	1,060,699

Sec. B.811 Vermont housing and conservation board

Grants	<u>86,519,068</u>
Total	86,519,068
Source of funds	
Special funds	24,552,855
Federal funds	<u>61,966,213</u>
Total	86,519,068

Sec. B.812 Vermont humanities council

Grants	<u>300,000</u>
Total	300,000
Source of funds	
General fund	<u>300,000</u>
Total	300,000

Sec. B.813 Total commerce and community development

Source of funds	
General fund	21,222,221
Special funds	32,106,330
Federal funds	93,013,297
Interdepartmental transfers	<u>5,062,973</u>
Total	151,404,821

Sec. B.900 Transportation - finance and administration

Personal services	16,695,727
Operating expenses	5,232,777
Grants	<u>50,000</u>
Total	21,978,504

Source of funds	
Transportation fund	20,977,164
Federal funds	<u>1,001,340</u>
Total	21,978,504
Sec. B.901 Transportation - aviation	
Personal services	3,532,154
Operating expenses	13,397,252
Grants	<u>345,000</u>
Total	17,274,406
Source of funds	
Transportation fund	6,166,805
Federal funds	<u>11,107,601</u>
Total	17,274,406
Sec. B.902 Transportation - buildings	
Operating expenses	<u>1,525,000</u>
Total	1,525,000
Source of funds	
Transportation fund	<u>1,525,000</u>
Total	1,525,000
Sec. B.903 Transportation - program development	
Personal services	65,810,461
Operating expenses	311,158,635
Grants	<u>25,916,923</u>
Total	402,886,019
Source of funds	
Transportation fund	50,411,002
TIB fund	22,129,870
Special funds	3,000,000
Federal funds	321,560,449
Interdepartmental transfers	1,411,518
Local match	<u>4,373,180</u>
Total	402,886,019
Sec. B.904 Transportation - rest areas construction	
Personal services	800,000
Operating expenses	<u>846,444</u>
Total	1,646,444
Source of funds	
Transportation fund	166,964
Federal funds	<u>1,479,480</u>

Total	1,646,444
Sec. B.905 Transportation - maintenance state system	
Personal services	42,637,277
Operating expenses	<u>65,043,488</u>
Total	107,680,765
Source of funds	
Transportation fund	106,934,950
Federal funds	645,815
Interdepartmental transfers	<u>100,000</u>
Total	107,680,765
Sec. B.906 Transportation - policy and planning	
Personal services	4,984,735
Operating expenses	1,099,716
Grants	<u>7,227,544</u>
Total	13,311,995
Source of funds	
Transportation fund	3,260,534
Federal funds	9,989,315
Interdepartmental transfers	<u>62,146</u>
Total	13,311,995
Sec. B.906.1 Transportation - Environmental Policy and Sustainability	
Personal services	2,009,518
Grants	<u>25,964,730</u>
Total	27,974,248
Source of funds	
Transportation fund	472,695
Federal funds	22,095,781
Local match	<u>5,405,772</u>
Total	27,974,248
Sec. B.907 Transportation - rail	
Personal services	3,622,004
Operating expenses	<u>39,386,316</u>
Total	43,008,320
Source of funds	
Transportation fund	15,608,462
Federal funds	26,596,858
Interdepartmental transfers	671,000
Local match	<u>132,000</u>
Total	43,008,320

Sec. B.908 Transportation - public transit	
Personal services	4,062,649
Operating expenses	90,285
Grants	<u>44,642,396</u>
Total	48,795,330
Source of funds	
Transportation fund	9,016,189
Federal funds	39,639,141
Interdepartmental transfers	<u>140,000</u>
Total	48,795,330
Sec. B.909 Transportation - central garage	
Personal services	5,367,400
Operating expenses	<u>18,588,985</u>
Total	23,956,385
Source of funds	
Internal service funds	<u>23,956,385</u>
Total	23,956,385
Sec. B.910 Department of motor vehicles	
Personal services	31,563,822
Operating expenses	<u>13,346,863</u>
Total	44,910,685
Source of funds	
Transportation fund	42,101,908
Federal funds	2,687,081
Interdepartmental transfers	<u>121,696</u>
Total	44,910,685
Sec. B.911 Transportation - town highway structures	
Grants	<u>7,416,000</u>
Total	7,416,000
Source of funds	
Transportation fund	<u>7,416,000</u>
Total	7,416,000
Sec. B.912 Transportation - town highway local technical assistance program	
Personal services	443,165
Operating expenses	<u>34,750</u>
Total	477,915
Source of funds	
Transportation fund	117,915

Federal funds	<u>360,000</u>
Total	477,915
Sec. B.913 Transportation - town highway class 2 roadway	
Grants	<u>8,858,000</u>
Total	8,858,000
Source of funds	
Transportation fund	<u>8,858,000</u>
Total	8,858,000
Sec. B.914 Transportation - town highway bridges	
Personal services	16,970,000
Operating expenses	19,731,775
Grants	<u>500,000</u>
Total	37,201,775
Source of funds	
TIB fund	3,099,345
Federal funds	32,908,515
Local match	<u>1,193,915</u>
Total	37,201,775
Sec. B.915 Transportation - town highway aid program	
Grants	<u>28,672,753</u>
Total	28,672,753
Source of funds	
Transportation fund	<u>28,672,753</u>
Total	28,672,753
Sec. B.916 Transportation - town highway class 1 supplemental grants	
Grants	<u>128,750</u>
Total	128,750
Source of funds	
Transportation fund	<u>128,750</u>
Total	128,750
Sec. B.917 Transportation - town highway: state aid for nonfederal disasters	
Grants	<u>1,150,000</u>
Total	1,150,000
Source of funds	
Transportation fund	<u>1,150,000</u>
Total	1,150,000

Sec. B.918 Transportation - town highway: state aid for federal disasters	
Grants	<u>180,000</u>
Total	180,000
Source of funds	
Transportation fund	20,000
Federal funds	<u>160,000</u>
Total	180,000
Sec. B.919 Transportation - municipal mitigation assistance program	
Personal services	100,000
Operating expenses	275,000
Grants	<u>10,113,523</u>
Total	10,488,523
Source of funds	
Transportation fund	705,000
Special funds	5,000,000
Federal funds	<u>4,783,523</u>
Total	10,488,523
Sec. B.920 Transportation - public assistance grant program	
Operating expenses	200,000
Grants	<u>1,050,000</u>
Total	1,250,000
Source of funds	
Special funds	50,000
Federal funds	1,000,000
Interdepartmental transfers	<u>200,000</u>
Total	1,250,000
Sec. B.921 Transportation board	
Personal services	169,068
Operating expenses	<u>24,412</u>
Total	193,480
Source of funds	
Transportation fund	<u>193,480</u>
Total	193,480
Sec. B.922 Total transportation	
Source of funds	
Transportation fund	303,903,571
TIB fund	25,229,215
Special funds	8,050,000

Federal funds	476,014,899
Internal service funds	23,956,385
Interdepartmental transfers	2,706,360
Local match	<u>11,104,867</u>
Total	850,965,297

Sec. B.1000 Debt service

Operating expenses	<u>75,705,398</u>
Total	75,705,398
Source of funds	
General fund	75,377,993
Transportation fund	<u>327,405</u>
Total	75,705,398

Sec. B.1001 Total debt service

Source of funds	
General fund	75,377,993
Transportation fund	<u>327,405</u>
Total	75,705,398

* * * Fiscal Year 2024 One-time Appropriations * * *

Sec. B.1100 MISCELLANEOUS FISCAL YEAR 2024 ONE-TIME APPROPRIATIONS

(a) Agency of Administration. In fiscal year 2024, funds are appropriated for the following:

(1) \$2,300,000 General Fund to create, implement, and oversee a comprehensive statewide language access plan;

(2) \$15,000,000 General Fund to be used to offset the cost of denied claims for Federal Emergency Management Agency (FEMA) reimbursement.

(3) \$500,000 General Fund for community grants related to health equity. These funds shall not be released until the recommendation and report required by Sec. E.100.1 of this act, regarding the permanent administrative location for the Office of Health Equity, is provided to the committees of jurisdiction listed in Sec. E.100.1 of this act and the positions in the Office of Health Equity created by this act are filled.

(b) Vermont State Colleges. In fiscal year 2024, funds are appropriated for the following:

(1) \$3,820,000 General Fund and \$5,180,000 American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds for bridge funding to support ongoing system transformation; and

(2) \$4,000,000 General Fund for the Community College of Vermont to reduce the tuition fee for certificates, degrees, and courses that have a direct nexus to Vermont business and industry needs.

(c) Department of Human Resources. In fiscal year 2024, funds are appropriated for the following:

(1) \$725,000 General Fund to fund seven new permanent full-time positions in the Operations division in fiscal year 2024. These position costs shall be funded through the Department of Human Resources – Internal Service Fund beginning in fiscal year 2025;

(2) \$75,000 General Fund to fund one new permanent full-time position in the VTHR Operations division in fiscal year 2024. This position cost shall be funded through the Department of Human Resources – Internal Service Fund beginning in fiscal year 2025; and

(3) \$1,900,000 General Fund for the implementation of a Paid Family and Medical Leave Insurance program available to all State employees in fiscal year 2024. This program cost shall be funded through the Department of Human Resources – Internal Service Fund beginning in fiscal year 2025.

(d) \$200,000 General Fund to the Department of Libraries in fiscal year 2024 to support the FiberConnect project relating to Internet access in public libraries.

(e) Department of Public Safety. In fiscal year 2024, funds are appropriated for the following:

(1) \$190,000 General Fund for external carriers (vests) that improve the ergonomics of ballistic personal protective equipment; and

(2) \$500,000 General Fund for hiring incentives, including hiring bonuses, to be paid to all new sworn members and emergency communication dispatchers; recruitment awards to current members for successful recruitment of a new member (criteria dependent); and student loan debt repayment of up to \$10,000 per new hire toward the repayment of preexisting student loan debt.

(f) Military Department. In fiscal year 2024, funds are appropriated for the following:

(1) \$10,000 General Fund for a grant to the USS Vermont Support Group, a nonprofit organization supporting military members serving on the USS Vermont (SSN 792) and their families; and

(2) \$10,000 General Fund for a grant to North Country Honor Flight, an organization that sponsors escorted trips for veterans to visit the war

memorials on the National Mall, to cover the expenses of 10 Vermont resident attendees.

(g) Criminal Justice Council. In fiscal year 2024, funds are appropriated for the following:

(1) \$1,200,000 General Fund for a three-phase accreditation process to include job task analysis, curriculum development and piloting;

(2) \$20,000 General Fund for a records management system to ensure efficient and compliant recordkeeping, including case management tracking, reporting, and compliance monitoring for remote learning; and

(3) \$200,000 General Fund for a request for proposals and contracts related to procedure development; off-site course development; records management system transition; developing pathways to certification; and medical personnel.

(h) \$210,000 General Fund to the Office of the Defender General in fiscal year 2024, for the case management system.

(i) Agency of Agriculture, Food and Markets. In fiscal year 2024, funds are appropriated for the following:

(1) \$110,000 General Fund for electric vehicle charger inspections. Funds shall be used for the purchase of two testing units and related equipment to support the development and implementation of the Commercial Electric Vehicle Fueling Systems regulatory program;

(2) \$1,070,000 General Fund for replacement of the existing Food Safety Inspection Database; and

(3) \$500,000 General Fund for a grant to Salvation Farms to expand access to locally grown food for all Vermonters.

(j) \$105,000 General Fund to the Department of Mental Health in fiscal year 2024 for expediting competency and sanity evaluations.

(k) Green Mountain Care Board. In fiscal year 2024, funds are appropriated for the following:

(1) \$620,000 General Fund for costs associated with the implementation of the Vermont Health Care Uniform Reporting and Evaluation System (VHCURES) database;

(2) \$120,500 General Fund for the implementation of a new financial database solution; and

(3) \$50,000 General Fund for the development of the statutorily required Health Resources Allocation Plan Tool.

(l) Agency of Human Services Central Office. In fiscal year 2024, funds are appropriated for the following:

(1) \$1,000,000 General Fund to the State Refugee Office for the Employment Assistance Grants program created in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by 2023 Acts and Resolves No. 3, Sec. 45. Funds remaining at the end of fiscal year 2025 shall revert to the General Fund;

(2) \$8,834,000 General Fund and \$11,483,302 Federal Revenue Fund #22005 for a two-year pilot to expand the Blueprint for Health Hub and Spoke program. Funds shall be used to expand the substances covered by the program, include mental health and pediatric screenings, and make strategic investments with community partners;

(3) \$10,000,000 General Fund to continue to address the emergent and exigent circumstances impacting health care providers following the COVID-19 pandemic; and

(4) \$10,534,603 General Fund and \$13,693,231 Federal Revenue Fund #22005 for use as Global Commitment matching funds for one-time caseload pressures due to the suspension of Medicaid eligibility redeterminations.

(m) \$366,066 General Fund and \$372,048 Federal Revenue Fund #22005 to the Department of Vermont Health Access for a two-year pilot to expand the Blueprint for Health Hub and Spoke program and \$15,583,352 Global Commitment Fund #20405 to the Department of Health Access Medicaid program for a two-year pilot to expand the Blueprint for Health Hub and Spoke program.

(n) Department of Health. In fiscal year 2024, funds are appropriated for the following:

(1) \$4,595,448 Global Commitment Fund #20405 to the Division of Substance Use Programs for a two-year pilot to expand the Blueprint for Health Hub and Spoke program;

(2) \$30,000 General Fund for a housing voucher program administered by the Vermont Association of Recovery Residences and Jenna's Promise to pay for a recovery home residents' first month of rent;

(3) \$1,590,000 General Fund for the Division of Substance Use Programs, in conjunction with \$1,410,000 appropriated from the General Fund in Sec. B.313 of this act representing 30 percent of the fiscal year 2023 forecast for cannabis excise tax and used in a manner consistent with the Substance Misuse Prevention Coalition funding intent as stated in 2022 Acts and Resolves No. 185, Sec. B.1100(a)(12)(A)(i);

(4) \$500,000 Tobacco Settlement Fund for the Division of Substance Use Programs for tobacco and substance use disorder prevention and cessation activities. The Division shall require that information on the use of the funds appropriated in accordance with this section be provided to the Division by grantees in an agreed-upon time frame, including the specific activities supported by the funds, a description of the number of individuals served, and information on the outcomes achieved by this investment. On or before, January 10, 2024, the Division shall report on these metrics to the House and Senate Committees on Appropriations, to the House Committee on Human Services, and to the Senate Committee on Health and Welfare;

(5) \$100,000 General Fund to the Department of Health to support the Regional Emergency Medical Services Coordination study, which may include hiring a consultant or others with technical expertise or both for the purpose of assisting the Department in conducting its study and writing a report on its findings and recommendations;

(6) \$100,000 General Fund to the Division of Substance Use Programs for a grant to Jenna's Promise;

(7) \$5,000,000 General Fund for the purpose of supporting the Community Violence Prevention Program established by legislation enacted in 2023. Unexpended appropriations shall carry forward into the subsequent fiscal year and remain available for use for this purpose. All or part of this appropriation may be transferred to the Department of Health for this Program if necessary;

(8) \$375,000 General Fund to be granted to the Vermont Foundation for Recovery for one-time program support; and

(9) \$350,000 General Fund to be granted to the Bridges to Health and University of Vermont Extension Community Health Worker Outreach program to support outreach, enrollment, education, transition, referral and care coordination to migrant workers and farm families through June 30, 2024.

(o) Department for Children and Families. In fiscal year 2024, funds are appropriated for the following:

(1) \$2,000,000 General Fund to implement the two-year Reach Ahead Pilot Program. Funds shall be used to increase monthly food assistance benefits to Reach Ahead participants, expand the eligibility window for those leaving Reach Up, and provide incentive payments;

(2) \$650,000 General Fund for the 2-1-1 service line. The Department, in consultation with the Agency of Human Services Central Office, shall report

on the status of the service and its funding to the Joint Fiscal Committee on or before the Committee's November 2023 meeting;

(3) \$40,000 General Fund to fund the purchase of a driving school vehicle for the Youth Development Program to support foster and former foster youth access to driver's education;

(4) \$18,884,610 General Fund to address the estimated need for the Adverse Weather Conditions policy and General Assistance Emergency Housing hotel and motel expenditures in fiscal year 2024;

(5) \$5,000,000 General Fund to the Housing Opportunity Grant Program to expand and provide wraparound supports and services for homeless households;

(6) \$3,000,000 General Fund for a grant to the Vermont Food Bank to support increased capacity of services to meet persistent food insecurity;

(7) \$100,000 General Fund for a grant to the Vermont Food Bank in consultation with the Junior League of Vermont for the statewide distribution of diapers to families in need;

(8) \$50,000 General Fund for a grant to the Vermont Donor Milk Center for statewide activities;

(9) \$130,000 General Fund for a grant to the Snelling Center to restart the Early Childhood Education Leadership Program; and

(10) \$300,000 General Fund for a grant to Prevent Child Abuse Vermont to provide education regarding the prevention of unsafe infant sleep and to expand programming and support services regarding child abuse often related to parental substance misuse.

(p) Department of Labor. In fiscal year 2024, funds are appropriated for the following:

(1) \$200,000 General Fund to be granted to the State Workforce Development Board for the New American Labor Force Program; and

(2) \$1,000,000 General Fund to provide services under the Work-Based Learning and Training Program established pursuant to 10 V.S.A. § 547.

(q) Natural Resources Board. In fiscal year 2024, funds are appropriated for the following:

(1) \$1,000,000 General Fund for the digitization of Natural Resources Board documents. Funds shall be used for the continued digitization of permanent, paper-based Act 250 land use permit records currently located at the Natural Resources Board's five district offices; and

(2) \$200,000 General Fund for an Act 250 study contract. Funds shall be used to contract with a consultant to assist with the preparation of a report on updates necessary to the Act 250 program, per 2022 Acts and Resolves No. 182, Sec. 41(a).

(r) \$200,000 General Fund in fiscal year 2024 to the Agency of Education for the work of the School Construction Task Force.

(s) \$35,000 General Fund to the Vermont Symphony Orchestra to support the celebration of the Symphony's 90th season.

(t) \$1,200,000 General Fund to the Vermont Housing and Conservation Board to administer and support the activities of the Land Access and Opportunity Board.

(u) \$1,750,000 Tax – Current Use Administration Fund #21594 to the Department of Taxes for the digitization of the Current Use program.

(v) Public Service Department. In fiscal year 2024, funds are appropriated for the following:

(1) \$500,000 Regulation/Energy Efficiency Fund #21698 to upgrade and expand the ePSD case management system;

(2) \$400,000 Regulation/Energy Efficiency Fund #21698 to complete the Telecom Plan Update scheduled for June 2024; and

(3) \$300,000 Regulation/Energy Efficiency Fund #21698 to craft policy proposals to reform and streamline electric sector policy.

(w) Agency of Digital Services. In fiscal year 2024, funds are appropriated for the following:

(1) \$10,000,000 Technology Modernization Fund #21951 for Network and Security Infrastructure Modernization including planning and design and the replacement of legacy infrastructure, hardware and software, platforms underlying the network and security architecture.

(A) The Agency of Digital Services shall select a vendor through a competitive bid process. The Agency of Digital Services shall consider bids with options to buy or lease equipment. Per 3 V.S.A. § 3303, any project with a total cost of \$1,000,000 or greater shall be subject to an expert independent review. The review shall include an analysis of all options, although the Agency of Digital Services is limited to the bids that it receives. The Agency of Digital Services may also purchase or lease equipment through a separate competitive bid process.

(B) Once a vendor has been selected and an expert independent review completed, the Agency of Digital Services shall issue a verbal or written report to the Joint Information Technology Oversight Committee.

(x) \$4,680,000 General Fund to the Judiciary for the Judiciary network replacement project.

(A) Judiciary shall update the Joint Information Technology Oversight Committee on the status of this project on or before December 1, 2023.

(y) \$117,000 General Fund to the Agency of Commerce and Community Development for a grant to the Vermont 250th Anniversary Commission for the 250th celebration.

(z) Vermont Center for Crime Victims' Services. In fiscal year 2024, funds are appropriated for the following:

(1) \$25,000 General Fund for a grant for a monument to the survivors of St. Joseph's Orphanage; and

(2) \$10,000 General Fund to continue the work of the Intercollegiate Sexual Harm Prevention Council.

(aa) \$450,000 General Fund to the Department of Disabilities, Aging, and Independent Living to continue the SASH pilot for another year.

(bb) \$100,000 General Fund to the Vermont Pension Investment Commission for a study on the assets of the State's pension systems.

(cc) \$750,000 General Fund to the State Treasurer for the initial costs of the Vermont Saves program.

(dd) Secretary of State. In fiscal year 2024, funds are appropriated for the following:

(1) \$1,000,000 General Fund for a grant to the Vermont Access Network to offset declining cable revenues.

(2) \$100,000 General Fund for grants to municipalities for ranked choice voting.

(ee) Joint Fiscal Office. In fiscal year 2024, funds are appropriated for the following:

(1) \$250,000 for per diem compensation and reimbursement of expenses for members of the Task Force on Economic Development Incentives and for consulting services approved by the Task Force.

(2) \$75,000 for per diem compensation and reimbursement of expenses for members of the Legislative Working Group on Renewable Energy Standard Reform and for consulting services related to this Group's work.

* * * Workforce Development * * *

Sec. B.1101 WORKFORCE AND ECONOMIC DEVELOPMENT – FISCAL YEAR 2024 ONE-TIME APPROPRIATIONS

(a) Education workforce.

(1) In fiscal year 2024, the amount of \$500,000 is appropriated from the General Fund to the Agency of Education for the purpose of funding the Emerging Pathways Grant Program to encourage and support the development and retention of qualified and effective Vermont educators with the goal of increased program completion rates and increased rates of licensure of underrepresented demographics. These grants are to expand support, mentoring, and professional development to prospective educators seeking licensure through the Agency of Education's emerging pathways, including peer review and apprentice pathways.

(A) Program administration. The Agency shall adopt policies, procedures, and guidelines necessary for implementation of the grant program. The Agency shall report to General Assembly on the status of the program on or before January 15, 2024.

(B) Eligibility criteria. The Agency shall issue grants to organizations, school districts, or a group of school districts for the development and administration of programs designed to provide prospective educators in emerging pathways with the support necessary for successful entry into the educator workforce. Recruitment, support, and retention of prospective educator candidates shall focus on diversity, equity, and inclusion. Support provided through the program may include:

(i) support through the Praxis exam process;

(ii) local, educator-led seminars designed around the Vermont licensure portfolio themes;

(iii) local educator mentors;

(iv) support in completing the peer review portfolio and licensing process; and

(v) continued professional development support within the first year of licensure.

(2) In fiscal year 2024, the amount of \$2,500,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation for the

Vermont Teacher Forgivable Loan Incentive Program to provide forgivable loans to students enrolled in an eligible school who meet the eligibility requirements in subdivision (A) of this subsection. The goal of the program is to encourage students to enter into teaching professions, with an emphasis on encouraging Black, Indigenous, and Persons of Color, New Americans, and other historically underrepresented communities.

(A) To be eligible for a forgivable loan under the program an individual, whether a resident or nonresident of Vermont, shall satisfy all of the following requirements:

(i) be enrolled in a teaching program at an eligible school;

(ii) maintain good standing at the eligible school at which the individual is enrolled;

(iii) agree to work as a teacher in a Vermont public school for a minimum of one year following licensure for each year of forgivable loan awarded;

(iv) have executed a credit agreement or promissory note that will reduce the individual's forgivable loan benefit, in whole or in part, pursuant to subdivision (B) of this section, if the individual fails to complete the period of service required in this subdivision;

(v) have completed the program's application form, the Free Application for Federal Student Aid (FAFSA), and, for Vermont residents, the Vermont grant application each academic year of enrollment in accordance with a schedule determined by the Corporation; and

(vi) have provided such other documentation as the Corporation may require.

(B) If an eligible individual fails to serve as a teacher in a Vermont public school for a period that would entitle the individual to the full forgivable loan benefit received by the individual, other than for good cause as determined by the Corporation, then the individual shall receive only partial loan forgiveness for a pro rata portion of the loan pursuant to the terms of the interest-free credit agreement or promissory note signed by the individual at the time of entering the program.

(C) There shall be no deadline to apply for a forgivable loan under this section. Forgivable loans shall be awarded on a rolling basis provided funds are available, and any funds remaining at the end of a fiscal year shall roll over and shall be available to the Corporation in the following fiscal year to award additional forgivable loans as set forth in this section.

(D) The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section, including maximum forgivable loan amounts. The Corporation shall not use more than seven percent of the funds appropriated for the program for its costs of administration and may recoup its reasonable costs of collecting the forgivable loans in repayment.

(3) In fiscal year 2024, the sum of \$30,000 is appropriated from the General Fund to the Agency of Education for the purpose of funding the Historically Underrepresented Educator Affinity Groups Grant Program to provide grants for the support of existing and development of new educator affinity groups for historically underrepresented groups. The Agency of Education shall administer the program.

(A) The Agency shall adopt policies, procedures, and guidelines necessary for the implementation of the program established pursuant to this subdivision.

(b) Youth workforce and high school completion.

(1) In fiscal year 2024, the amount of \$2,300,000 is appropriated from the General Fund to the Department of Forests, Parks and Recreation to fund the Vermont Serve, Learn, and Earn Program, which supports workforce development goals through creating meaningful paid service and learning opportunities for young adults, through the Serve, Learn, and Earn Partnership made up of the Vermont Youth Conservation Corps, Vermont Audubon, Vermont Works for Women, and Resource VT. The Department shall enter into a grant agreement with the Partnership that specifies the required services and outcomes for the Program.

(2) In fiscal year 2024, the amount of \$1,000,000 is appropriated from the General Fund to the Agency of Education for grants to Adult Basic Education programs to provide bridge funding for Adult Basic Education programs while the study and report required by Sec. E.504 of this act is completed.

(c) Higher education.

(1) In fiscal year 2024, the amount of \$500,000 is appropriated from the General Fund to the Vermont State Colleges to establish a Bachelor of Science program in restorative justice at Vermont State University.

(2) In fiscal year 2024 the amount of \$1,500,000 is appropriated from the General Fund to the Vermont State Colleges to establish the Certificate in 3-D Technology program.

(3) In fiscal year 2024, the amount of \$3,800,000 is appropriated from the General Fund to the Vermont State Colleges to provide Critical Occupations Scholarships for eligible students with a household income of \$75,000 or less enrolled in education programs that lead to a career in the following: early childhood occupations, clinical mental health counseling, criminal justice occupations, dental hygienists, and all levels of nursing.

(4) In fiscal year 2024, the amount of \$1,500,000 is appropriated from the General Fund to the University of Vermont to provide additional free classes through the Upskill Vermont Scholarship Program for Vermont residents seeking to transition to a new career or to enhance job skills.

(5) In fiscal year 2024, the amount of \$1,500,000 is appropriated from the General Fund to the University of Vermont Office of Engagement, in consultation with the Vermont Student Assistance Corporation, for additional forgivable loans of \$5,000 per graduate for recent college graduates across all Vermont higher education institutions who commit to work in Vermont for two years after graduation.

(6) In fiscal year 2024, the amount of \$350,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation for a subgrant to Advance Vermont to continue work pursuant to 2022 Acts and Resolves No. 183, Sec. 39 in support of the State's goal articulated in 10 V.S.A. § 546 that 70 percent of working-age Vermonters hold a credential of value by 2025. On or before December 15, 2023, Advance Vermont shall report to the General Assembly regarding outcomes achieved, the use of these State funds, and the other fund sources Advance Vermont has secured for this project.

(d) Healthcare and social services workforce.

(1) In fiscal year 2024, the amount of \$1,000,000 is appropriated from the General Fund to the Department of Health to be transferred as needed to the Vermont Student Assistance Corporation for the Vermont Psychiatric Mental Health Nurse Practitioner Forgivable Loan Incentive Program created in 18 V.S.A. § 39.

(2) In fiscal year 2024, the amount of \$1,000,000 is appropriated from the General Fund to the Department of Health to provide training for emergency medical services personnel.

(3) In fiscal year 2024, the amount of \$170,000 is appropriated from the General Fund to the Agency of Human Services to provide one additional year of funding for the classified, three-year limited service Health Care Workforce Coordinator position created in the Agency of Human Services, Office of Health Care Reform, pursuant to 2022 Acts and Resolves No. 183, Sec. 34(a).

(4) In fiscal year 2024, the amount of \$3,000,000 is appropriated from the General Fund to the Department of Mental Health to address workforce needs at the designated and specialized service agencies. These funds shall not be released until a plan to meet training and retention is mutually agreed upon by the Department of Disabilities, Aging, and Independent Living and the designated and specialized service agencies and approved by the General Assembly or the Joint Fiscal Committee if the legislature is not in session. All or a portion of these funds may be used as matching funds to the Agency of Human Services Global Commitment program to provide State match if any part of the plan is eligible to draw federal funds. It is the intent of the General Assembly to maximize the value of this one-time funding through eligible Global Commitment investment.

(e) Corrections workforce.

(1) In fiscal year 2024, the amount of \$200,000 is appropriated from the General Fund to the Department of Corrections for the purpose of contracting or expanding an existing contract with a vendor to provide supervisory and management professional development services to the Department's employees in accordance with the Department's efforts to address an employee workforce crisis and strengthen workplace satisfaction, pursuant to Sec. F.16 of this act.

(f) Economic development.

(1) In fiscal year 2024, the amount of \$5,000,000 is appropriated from the General Fund to the Agency of Commerce and Community Development for the Vermont Training Program to fulfill Vermont's obligation to procure incentives in accordance with the Creating Helpful Incentives to Produce Semiconductors for America (CHIPS) Act.

(2) In fiscal year 2024, the amount of \$1,250,000 is appropriated from the General Fund to the Agency of Commerce and Community Development for a grant to the regional development corporations to provide small- and mid-sized businesses with professional and technical assistance.

(3) In fiscal year 2024, the amount of \$72,000 is appropriated from the General Fund to the Vermont Council on the Arts to provide a State match for National Endowment for the Arts funding to enable the Council to continue its work boosting the creative economy in Vermont.

(4) In fiscal year 2024, the amount of \$8,000,000 General Fund is appropriated to the Department of Economic Development for Brownfields redevelopment consistent with Sec. F.5 of this act.

(5) In fiscal year 2024, the amount of \$1,000,000 General Fund is appropriated to the Department for Children and Families to augment service support funding in the Reach Up program.

(6) In fiscal year 2024, the amount of \$90,000 is appropriated from the General Fund to the Agency of Commerce and Community Development for a subgrant to the Vermont Sustainable Jobs Fund to expand its Business Coaching program to work with a group of existing energy services businesses interested in adopting a climate-centered mission and working with trades persons looking to start their own climate-centered business.

(g) Agriculture Economic Development

(1) In fiscal year 2024, the amount of \$1,000,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets for the Working Lands Enterprise grant program.

(2) In fiscal year 2024, \$2,300,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets to fund Agriculture Development Grants for meat, produce, and maple processing. The Secretary of Agriculture, Food and Markets shall determine that there are significant interests in establishing certain parameters in the grant program before making an award. Grants should be awarded to farmers, processors, and businesses, which shall not include hydroponic operations. Furthermore, the Secretary shall not allocate more than 25 percent of grant funds toward the maple industry. Of the funds appropriated under this subdivision, an amount not to exceed \$125,000 may be used by the Agency of Agriculture, Food and Markets to support the cost of temporary employees to administer the grants.

(3) In fiscal year 2024, the amount of \$6,900,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets to fund Agriculture Development Grants for the Organic Dairy Farm Assistance Program.

(4) In fiscal year 2024, the amount of \$300,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets for a grant to the Vermont Sustainable Jobs Fund as follows:

(A) \$100,000 to the Independent Retail Grocers Project; and

(B) \$200,000 to the Beef on Dairy Project.

(5) In fiscal year 2024, \$150,000 General Fund is appropriated to the Vermont Housing and Conservation Board for the establishment by the Farm Viability Program of a pilot program to award a grant for the use of virtual fences, solar powered collars, and solar powered transmitters to control

livestock. As used in this section, "livestock" means cattle, horses, sheep, swine, and goats.

(6) In fiscal year 2024, \$415,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets to fully fund the Dairy Risk Management Assistance Program for farmers who enroll in calendar year 2023. These funds are in addition to the unexpended funds appropriated under 2022 Acts and Resolves No. 83, Sec. 68 to implement the Dairy Risk Management Assistance Program.

(7) In fiscal year 2024, \$150,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets for the Small Farmer Diversification and Transition Program. The Agency staff who support the Working Lands Enterprise Board shall administer the Program and provide small farmers in Vermont with State financial assistance in the form of grants.

(A) Program applicants shall:

(i) be a small farmer and not permitted as a medium farm or large farm at the time of application.

(ii) have a proposed plan for diversification or transition that includes possible markets for the proposed product and probable income; and

(iii) demonstrate to the Agency that there is potential from the proposed diversification or transition to create additional income for the applicant.

(B) Small Farmer Diversification and Transition Program grants shall be used for costs of:

(i) diversifying the farm products produced by the applicant;

(ii) transitioning the applicant from one form of farming to another;

(iii) processing of farm products on the farm owned or controlled by the applicant; and

(iv) development of an accessory on-farm business by the applicant.

(C) The Working Lands Enterprise Board shall not require applicants for a Small Farmer Diversification and Transition Program grant to provide a match or to pay a minimum percentage of eligible project cost for which the grant is proposed for use.

(D) The Secretary and the Working Lands Enterprise Board shall provide public notice of the availability of grants from the Small Farmer

Diversification and Transition Program as separate from the Working Lands Enterprise Board's traditional grants. The Secretary shall publicize the Small Farmer Diversification and Transition Program grants in newsletters, press releases, e-mail, and other communications from the Agency of Agriculture, Food and Markets.

(E) As used in this subdivision B.1101(g)(7), "small farmer" means any person who:

(i) is engaged in "farming" as that term is defined in 10 V.S.A. § 6001(22), regardless of the size of the parcel, and whose gross income from the sale of the farm products equals at least one-half of the farmer's annual gross income; or

(ii) a small farm subject to the Required Agricultural Practices.

Sec. B.1101.1 TRUTH AND RECONCILIATION COMMISSION

(a) In fiscal year 2024, \$240,000 General Fund is appropriated to the Truth and Reconciliation Commission. These funds, in combination with carryforward funds shall provide fiscal year 2024 funding for the Commission's activities.

* * * Affordable Housing * * *

Sec. B.1102 AFFORDABLE HOUSING DEVELOPMENT – FISCAL YEAR 2024 ONE-TIME APPROPRIATIONS

(a) In fiscal year 2024, the amount of \$10,000,000 General Fund is appropriated to the Department of Housing and Community Development for the Vermont Rental Housing Improvement Program established in 10 V.S.A. § 699.

(b) In fiscal year 2024, the amount of \$300,000 General Fund is appropriated to the Department of Housing and Community Development for a grant to the Vermont Association of Planning and Development Agencies for the purpose of hiring Housing Navigators.

(c) In fiscal year 2024, the amount of \$50,000,000 General Fund is appropriated to the Vermont Housing and Conservation Board (VHCB):

(1) \$10,000,000 to provide support and enhance capacity for emergency shelter and permanent homes for those experiencing homelessness. The funds shall be used to expand Vermont's shelter capacity, provide homes for those experiencing homelessness, and decrease reliance on the General Assistance Emergency Housing hotel and motel program. The Vermont Housing and Conservation Board shall consult with the Agency of Human Services to ensure new investments in homes and shelters are paired with appropriate

support services for residents, including services supported through Medicaid. Funded projects may utilize a range of housing options, including the expansion of shelter capacity, the conversion of hotels to housing, creation of permanent supportive housing, and utilization of manufactured homes on infill sites.

(2) \$40,000,000 to provide support and enhance capacity for the production and preservation of affordable mixed-income rental housing and homeownership units, including improvements to manufactured homes and communities, permanent homes for those experiencing homelessness, recovery residences, and housing available to farm workers and refugees. The Board is authorized to utilize up to 10 percent of these resources for innovative approaches to helping communities meet their housing needs.

* * * Climate and Environment * * *

Sec. B.1103 CLIMATE AND ENVIRONMENT – FISCAL YEAR 2024
ONE-TIME APPROPRIATIONS

(a) In fiscal year 2024, the amount of \$700,000 General Fund is appropriated to the Agency of Natural Resources – Central Office for refrigerant management. Funds shall be used for incentives to improve or replace commercial and industrial refrigeration systems with the goal of reducing the use of high global warming potential (GWP) refrigerants.

(b) In fiscal year 2024, the amount of \$900,000 General Fund is appropriated to the Agency of Natural Resources – Climate Action Office for technical analyses, tools, and training. Funds shall be used for investments in ongoing evaluation, implementation support and tracking of the impact of programs, and policy approaches needed to reduce greenhouse gas emissions and improve landscape-level resilience consistent with the Global Warming Solutions Act.

(c) In fiscal year 2024, the amount of \$2,000,000 General Fund is appropriated to the Department of Public Service for the School Heating Assistance with Renewables and Efficiency Program (SHARE) to assist Title I eligible schools in repairing or renovating their existing wood chip or pellet heating systems or to install new wood chip or pellet heating systems.

(d) In fiscal year 2024, the amount of \$150,000 General Fund is appropriated to the Department of Fish and Wildlife for Wildlife Crop Damage Payments. Funds shall be used for payments to farmers under the provisions of 10 V.S.A. § 4829.

(e) In fiscal year 2024, the amount of \$500,000 General Fund is appropriated to the Department of Forests, Parks and Recreation for Parks personnel housing. Funds shall be used to renovate, remediate, and expand on-

site housing opportunities, including installation of full hook-ups for RVs; splitting existing staff housing into multiple units; and making critical (health and safety) repairs to the existing housing stock for Vermont State Parks staff in critical locations statewide.

(f) In fiscal year 2024, the amount of \$1,000,000 General Fund is appropriated to the Department of Forests, Parks and Recreation for Small Communities Outdoor Recreation Grant matching funds. Funds shall be used to support Vermont communities by providing State match funds for federal recreation grants.

(g) In fiscal year 2024, the amount of \$500,000 General Fund is appropriated to the Department of Forests, Parks and Recreation for emerald ash borer mitigation and low income heating assistance. Funds shall be used to remove high-risk ash trees on Department of Forests, Parks and Recreation lands and provide free firewood to households with low income.

(h) In fiscal year 2024, the amount of \$2,500,000 General Fund is appropriated to the Department of Environmental Conservation for the Brownfields Reuse and Environmental Liability Limitation Act as codified in 10 V.S.A. chapter 159. Funds shall be used for the assessment and cleanup planning for a maximum of 25 brownfields sites.

(i) In fiscal year 2024, the amount of \$600,000 General Fund is appropriated to the Department of Environmental Conservation for the Emissions Repair Program. Funds shall be used for the Emissions Repair Program established by 2021 Acts and Resolves No. 55, Sec. 25 for fiscal years 2024 through 2026.

(j) In fiscal year 2024, the amount of \$6,100,000 American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds is appropriated to the Department of Environmental Conservation for the Healthy Homes Initiative. Funds shall be used to make repairs or improvements to drinking water, wastewater, or stormwater systems for Vermonters who have low to moderate income or who live in manufactured housing communities, or both.

(k) In fiscal year 2024, the amount of \$1,000,000 General Fund is appropriated to the Department of Environmental Conservation for Polyfluoroalkyl Substances (PFAS) technical assistance. Funds shall be used to support statewide groundwater Polyfluoroalkyl Substances (PFAS) remediation efforts.

(l) In fiscal year 2024, the amount of \$5,000,000 Environmental Contingency Fund #21275 is appropriated to the Department of Environmental Conservation for statewide Polyfluoroalkyl Substances (PFAS) groundwater remediation.

(m) In fiscal year 2024, the amount of \$850,000 Transportation Fund is appropriated to the Agency of Transportation for a grant to Green Mountain Transit to operate routes on a zero-fare basis and prepare for the transition to tiered-fare service.

* * * Retired Teachers' One-time COLA Payment * * *

Sec. B.1104 FISCAL YEAR 2024 ONE-TIME APPROPRIATION;
RETIRED TEACHERS' COST OF LIVING PAYMENT

(a) In fiscal year 2024, notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the amount of \$3,000,000 is appropriated to the Vermont State Teachers' Retirement System from the Education Fund for Calendar Year 2023 supplemental payments made in Sec. E.514.2(b) of this act and associated costs.

* * * Cash Fund for Capital and Essential Investments * * *

Sec. B.1105 CASH FUND FOR CAPITAL AND ESSENTIAL
INVESTMENTS – FISCAL YEAR 2024 ONE-TIME
APPROPRIATIONS

(a) In fiscal year 2024, \$17,685,000 is appropriated from the Capital Infrastructure sub account in the Cash Fund for Capital and Essential Investments for the following projects:

(1) \$400,000 is appropriated to the Department of Buildings and General Services for planning, reuse, and contingency;

(2) \$1,700,000 is appropriated to the Department of Buildings and General Services for roof replacement and brick façade repairs at the McFarland State Office Building in Barre;

(3) \$135,000 is appropriated to the Department of Buildings and General Services for 32 Cherry Street, parking garage repairs;

(4) \$1,000,000 is appropriated to the Department of Buildings and General Services for roof replacement at the Central Services complex in Middlesex;

(5) \$150,000 is appropriated to the Department of Buildings and General Services for design documents for the State House expansion in Montpelier;

(6) \$1,000,000 is appropriated to the Department of Buildings and General Services for the renovation of the interior HVAC steam lines at 120 State Street;

(7) \$600,000 is appropriated to the Department of Buildings and General Services for planning for the boiler replacement at the Northern State Correctional Facility in Newport;

(8) \$750,000 is appropriated to the Department of Buildings and General Services for planning for renovations to the administration building, West Cottage, at the Criminal Justice Training Council in Pittsford;

(9) \$600,000 is appropriated to the Department of Buildings and General Services for the Agency of Human Services for the planning and design of the booking expansion at the Northwest State Correctional Facility;

(10) \$1,000,000 is appropriated to the Department of Buildings and General Services for the Agency of Human Services for the planning and design of the Department for Children and Families' short-term stabilization facility;

(11) \$750,000 is appropriated to the Department of Buildings and General Services for the Judiciary for renovations at the Washington County Superior Courthouse in Barre;

(12) \$250,000 is appropriated to the Department of Buildings and General Services for the Department of Public Safety for the planning and design of the Special Teams Facility and Storage;

(13) \$250,000 is appropriated to the Department of Buildings and General Services for the Department of Public Safety for the planning and design of the Rutland Field Station;

(14) \$300,000 is appropriated to the Department of Buildings and General Services for the Agency of Agriculture, Food and Markets for the planning and design of the Vermont Agriculture and Environmental Laboratory Heat Plant;

(15) \$1,000,000 is appropriated to the Department of Buildings and General Services for electric vehicle charging stations at State buildings;

(16) \$4,000,000 is appropriated to the Agency of Natural Resources for the Department of Environmental Conservation for the Municipal Pollution Control Grants for pollution control projects and planning advances for feasibility studies;

(17) \$3,000,000 is appropriated to the Agency of Natural Resources for the Department of Forests, Parks and Recreation for the maintenance facilities at the Gifford Woods State Park and Groton State Forest; and

(18) \$800,000 is appropriated to the Agency of Natural Resources for the Department of Fish and Wildlife for infrastructure maintenance and improvements of the Department's buildings, including conservation camps.

(b) In fiscal year 2024, \$31,025,000 is appropriated from the Other Infrastructure, Essential Investments, and Reserves subaccount in the Cash Fund for Capital and Essential Investments for the following projects. This funding is provided by the General Fund transfer in Sec. D.101 of this act.

(1) \$9,800,000 is appropriated to the Agency of Natural Resources for the Department of Environmental Conservation for the State match to the Infrastructure Investment and Jobs Act for the Drinking Water State Revolving Fund and the Clean Water State Revolving Fund;

(2) \$4,500,000 is appropriated to the Agency of Natural Resources for the Department of Environmental Conservation for the Waterbury Dam rehabilitation;

(3) \$7,500,000 is appropriated to the Vermont State Colleges for construction, renovation, and major maintenance at any facility owned or operated in the State by the Vermont State Colleges; infrastructure transformation planning; and the planning, design, and construction of Green Hall and Vail Hall; and

(4) \$9,225,000 is appropriated to the Department of Mental Health for construction of a psychiatric youth inpatient facility in the State.

(c) In fiscal year 2024, \$3,000,000 as appropriated in Sec. B.903 – Transportation – program development of this act from the Cash Fund for Capital and Essential Investments is for projects as specified in the State transportation plan.

(d) In fiscal year 2024, to the extent funds are available from transfers made in Sec. C.109 of this act, the projects in this subsection (d) shall receive an appropriation from the Other Infrastructure, Essential Investments, and Reserves subaccount in the Cash Fund for Capital and Essential Investments in the following order:

(1) \$1,000,000 is appropriated to the Department of Mental Health for a grant to Pathways Vermont for the purchase and renovation of a building to serve as a permanent home for the Soteria House program.

(A) Prior to issuing the grant, the Commissioner of Mental Health, with the assistance of the Secretary of Human Services and Commissioner of Buildings and General Services, shall review the accuracy and comprehensiveness of the financial analysis of the Pathways Vermont proposal to purchase specified property and operate the Soteria House program.

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

(2) \$1,000,000 is appropriated to the Department of Housing and Community Development for a grant to the Vermont Housing Finance Agency for its first generation homebuyer program.

(3) \$10,000,000 is appropriated to the Department of Housing and Community Development for a grant to the Vermont Housing Finance Agency to provide capitalization of revolving loan fund for the development of 'missing middle' rental housing.

(4) \$1,000,000 is appropriated to the Agency of Transportation for rail trail grants.

(5) \$5,000,000 is appropriated to the Department of Economic Development for the Rural Industry Development Grant Program as established in this act.

(6) \$3,500,000 is appropriated to the Agency of Transportation for the Saint Albans garage replacement project.

(e) If a project described in this section has received an appropriation prior to the effective date of this act and is not in compliance with the requirements of 29 V.S.A. § 161, then the project shall not be subject to the requirements of 29 V.S.A. § 161 if any of the following apply as of the effective date of this act:

(1) the project has been invited or advertised for bid;

(2) the project is under contract; or

(3) the funds are obligated.

* * * Fiscal Year 2023 Adjustments, Appropriations, and Amendments * * *

Sec. C.100 FISCAL YEAR 2023 GENERAL FUND UNALLOCATED
CARRYFORWARD

(a) After satisfying the requirements of 32 V.S.A. § 308, and after other reserve requirements have been met, but prior to satisfying the requirements of 32 V.S.A. § 308c, the first \$337,449,200 of remaining unreserved and undesignated funds at the close of fiscal year 2023 shall remain in the General Fund and be carried forward to fiscal year 2024.

Sec. C.100.1 2022 Acts and Resolves No. 185, Sec. D.101 as amended by 2023 Acts and Resolves No. 3, Sec. 48 is further amended to read:

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

* * *

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

* * *

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

21638 AG-Fees & reimbursement – Court order	\$2,000,000
21928 Secretary of State Services Funds	\$1,200,000
62100 Unclaimed Property Fund	\$4,442,485 <u>\$6,691,685</u>
Combined estimate for 21075 Insurance Regulatory and Supervision Fund, 21805 Captive Insurance Regulatory and Supervision Fund, 21080 Regulatory and Supervision Fund	\$58,564,476

* * *

Sec. C.101 2023 Acts and Resolves No. 3 Sec. 106(b) is amended to read:

(b) ~~\$290,000~~ \$1,290,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 are for the Department's Offender Management System (OMS) intelligence layer consistent with the actions of the Joint Legislative Justice Oversight Committee.

Sec. C.102 2021 Acts and Resolves No. 74, Sec. E.335, as amended by 2022 Acts and Resolves No. 83, Sec. 62, and 2022 Acts and Resolves No. 185, Sec. C.111 is further amended to read:

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED FUNDS TRANSFER; JUSTICE REINVESTMENT; REPORT

* * *

~~(c) Any funds expended authorized to be used on community-based service programs justice reinvestment programs pursuant to subsection (b) of this section shall be included in the subsequent year Department of Corrections budget for the same purpose at the same amount may be carried forward over multiple fiscal years until fully expended.~~

Sec. C.103 2022 Acts and Resolves No. 185, Sec. E.335 is amended to read:

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED FUNDS TRANSFER; JUSTICE REINVESTMENT; REPORT

* * *

~~(c) Any funds expended on community-based service programs pursuant to subsection (b) of this section shall be included in the subsequent year Department of Corrections budget for the same purpose at the same amount. [Repealed.]~~

Sec. C.104 DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ARPA-SFR PROJECT FUNDS REVERSION

(a) \$1,100,000 of the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds appropriated to the Department of Environmental Conservation in 2021 Acts and Resolves No. 74, Sec. G.501(a)(2) shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds for reallocation in fiscal year 2024.

Sec. C.105 32 V.S.A. § 1001b is amended to read:

§ 1001b. CASH FUND FOR CAPITAL EXPENDITURE CASH FUND AND ESSENTIAL INVESTMENTS

(a) Creation. There is hereby created the Capital Expenditure Cash Fund for Capital and Essential Investments to be administered by the Commissioner of Finance and Management, in consultation with the State Treasurer, for the purpose of using general funds. The Fund shall have the following two subaccounts:

(1) the Capital Infrastructure subaccount, to defray the costs of future capital expenditures that would otherwise be authorized in the capital construction act and paid for using the State's general obligation bonding authority and debt service obligations or paid for as a direct associated cost of a capital project; and

(2) the Other Infrastructure, Essential Investments, and Reserves subaccount, to fund essential investments and infrastructure needs, create reserves for these expenditures and make contingent appropriations for other infrastructure investments, as authorized by the General Assembly.

(b) Fund Accounts. The Fund may consist of:

(1) Capital Infrastructure subaccount. The Capital Infrastructure subaccount may consist of:

(A) transfers made by the General Assembly of four percent or less of the last completed fiscal year's General Fund appropriations, less the amount necessary to fund the State's general obligation debt service in the year for which the transfer is being made, as determined by the State Treasurer and the Commissioner of Finance and Management; and

(B) any interest earned by the subaccount.

(2) Other Infrastructure, Essential Investments, and Reserves subaccount. The Other Infrastructure, Essential Investments, and Reserves subaccount may consist of any appropriations or transfers made by the General Assembly; from the General Fund or any other State fund and

(2) any interest earned by the Fund. any contingent transfers made by the General Assembly from the General Fund after satisfying the requirements of 32 V.S.A. § 308 but prior to satisfying the requirements of 32 V.S.A. § 308c in any fiscal year and any contingent transfers made by the General Assembly from other State funds.

(c) Use of funds. Expenditure shall only be made from the Fund by appropriations by the General Assembly. Plans for use shall be submitted as part of the operating budget adjustment or operating budget process. Monies in the Fund Accounts shall only be used for as follows:

(1) costs associated with a proposed capital project that occur prior to the construction phase of that project, including feasibility, planning, design, and engineering and architectural costs; Expenditures shall only be made by the General Assembly from the Capital Infrastructure subaccount for:

(A) tangible capital investments, as described in section 309 of this title, with an anticipated lifespan of 20 years or more; and

(B) engineering and architectural costs directly associated with a proposed capital project.

(2) projects with an anticipated lifespan of less than 20 years; Expenditures shall only be made by the General Assembly from the Other Infrastructure, Essential Investments, and Reserves subaccount for:

(A) any expenditure eligible under subdivision (1) of this subsection (c); and

(B) any other essential investments and infrastructure needs, including transportation-related projects and capitalization of revolving loan funds.

~~(3) costs associated with the early redemption of general obligation bonds; and~~

~~(4) other eligible capital projects receiving an appropriation from the General Assembly.~~

(d) Fund balance. All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain part of the Fund accounts. Notwithstanding 32 V.S.A. § 511, the Commissioner of Finance and Management shall not anticipate receipts for the Fund accounts and issue warrants thereon.

~~(e) Early redemption transfer. If any expenditures are made from the Fund or the General Assembly appropriates general funds to pay for the early redemption of general obligation bonds pursuant to subdivision (c)(3) of this section, then an amount equal to the reduction in debt service required in any fiscal year resulting from that redemption shall be transferred to the Fund Spending authority. Any entity authorized to make expenditures from the Capital Infrastructure subaccount shall have not more than two years from the legislative session in which the act authorizing the expenditure was enacted to encumber the funds. Any remaining unencumbered funds shall remain part of the Fund account.~~

Sec. C.106 29 V.S.A. § 161 is amended to read:

§ 161. REQUIREMENTS ON STATE CONSTRUCTION PROJECTS

* * *

(b) Each contract awarded under this section for any State project with a construction cost exceeding \$100,000.00 ~~or~~ a construction project with a construction cost exceeding \$200,000.00 ~~which that~~ is authorized and is at least 50 percent funded by a capital construction act pursuant to 32 V.S.A. § 701a, or a construction project with a construction cost exceeding \$200,000.00 that is at least 50 percent funded by the Cash Fund for Capital Infrastructure and Other Essential Investments established in 32 V.S.A. § 1001 shall provide that all construction employees working on the project shall be paid ~~no~~ not less than the mean prevailing wage published periodically by the Vermont Department of Labor in its occupational employment and wage survey plus an additional fringe benefit of 42 and one-half percent of wage, as calculated by the current Vermont prevailing wage survey. As used in this section, “fringe benefits” means benefits, including paid vacations and holidays, sick leave,

employer contributions and reimbursements to health insurance and retirement benefits, and similar benefits that are incidents of employment.

(c) In the construction of any State project, local capable labor shall be utilized whenever practicable, but this section shall not be construed to compel any person to discharge or lay off any regular employee.

(d) Subsections (a) through (c) of this section shall not apply to maintenance or construction projects carried out by the Agency of Transportation and by the Department of Forests, Parks and Recreation.

* * *

Sec. C.107 32 V.S.A. § 1001 is amended to read:

§ 1001. CAPITAL DEBT AFFORDABILITY ADVISORY COMMITTEE

* * *

(c) Committee estimate of a prudent amount of net State tax-supported debt; affordability considerations. On or before September 30 of each year, the Committee shall submit to the Governor and the General Assembly the Committee's estimate of net State tax-supported debt that prudently may be authorized for the next fiscal year, together with a report explaining the basis for the estimate. The Committee's estimate shall not take into consideration the balance remaining at the end of each fiscal year in the subaccounts of the Cash Fund for Capital and Essential Investments, established pursuant to section 1001b of this title. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. In developing its annual estimate, and in preparing its annual report, the Committee shall consider:

* * *

Sec. C.108 RESERVES FOR INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA) MATCH

(a) In fiscal year 2023, the Cash Fund for Capital and Essential Investments initial balance amount of \$25,000,000 is reserved in the Other Infrastructure, Essential Investments, and Reserves subaccount to provide the State match in fiscal years 2025 and 2026 needed for federal funding for transportation related projects under the IIJA. These funds shall only be expended if authorized by the General Assembly.

(b) To the extent available in fiscal years 2023 and 2024, the amount of \$14,500,000 is reserved in the Other Infrastructure, Essential Investments, and Reserves subaccount of the Cash Fund for Capital and Essential Investments to provide the State match in fiscal years 2025 and 2026 needed for federal

funding for water and wastewater related projects under the IIJA. These funds shall only be expended if authorized by the General Assembly.

Sec. C.109 SUPPLEMENTAL CONTINGENT TRANSFERS TO CASH
FUND FOR CAPITAL AND ESSENTIAL INVESTMENTS

(a) Notwithstanding any other law to the contrary, to the extent any fund specified in 2022 Acts and Resolves No. 185, Sec. D.101(b)(2) as amended by 2023 Acts and Resolves No. 3, Sec. 48 has an unobligated fund balance in fiscal year 2023, the Commissioner of Finance and Management shall transfer to the subaccount created under 32 V.S.A. 1001b(b)(2) the respective fiscal year 2023 unobligated special fund balances. The Commissioner shall report the amounts transferred pursuant to this provision to the Joint Fiscal Committee in July 2023.

(b) To the extent available in fiscal year 2023, \$22,500,000 shall be transferred from the General Fund to the Cash Fund for Capital and Essential Investments pursuant to the provisions of 32 V.S.A. § 1001b(b)(2).

Sec. C.110 2022 Acts and Resolves No. 183, Sec. 51a is amended to read:

Sec. 51a. COVID-19-RELATED PAID LEAVE GRANT PROGRAM

(a) Establishment and appropriation.

(1) There is established in the Department of Financial Regulation the COVID-19-Related Paid Leave Grant Program to administer and award grants to employers to reimburse the cost of providing COVID-19-related paid leave to employees as provided in subsection (e) of this section.

(2) The sum of ~~\$15,180,000~~ \$5,000,000 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Department of Financial Regulation for fiscal years 2023 and 2024 for the provision of grants to reimburse employers for the cost of providing COVID-19-related paid leave. ~~Not more than seven percent of the amount appropriated pursuant to this subdivision may be used for expenses related to Program administration and outreach.~~

* * *

(c) Grant program.

* * *

(3)(A) Employers may submit applications for grants during the period beginning on October 1, 2022 and ending on September 30, 2023 and may submit an application not more than once each calendar quarter during that period. Grant applications shall be submitted for paid leave provided during the preceding calendar quarter and, subject to subdivision (B) of this

subdivision (3), for calendar quarters in the program period prior to the preceding calendar quarter.

(B) An employer shall be permitted to request grant funds for costs related to COVID-19-related paid leave described in subsection (e) of this section in a calendar quarter prior to the preceding calendar quarter if:

(i) the employer has not already received grant funds in relation to the COVID-19-related leave; and

(ii) the costs of the COVID-19-related leave are eligible for a grant pursuant to the provisions of this section and any applicable federal requirements.

(4) An employer may combine grant funds with funding from other sources but shall not use grant funds from multiple sources for the same instance of paid leave provided to its employees for COVID-19-related reasons. As used in this subdivision, an “instance” means a calendar day in which the employee was absent from work for a COVID-19-related reason.

* * *

(6) Grants shall be awarded to eligible employers on a first-come, first-served basis, subject to available funding.

* * *

(e) Amount of grants.

(1) Employers may, subject to the limitations of subdivision (2) of this subsection, apply for grants to either reimburse the cost of COVID-19-related paid leave provided to employees or to provide funds to be used to pay the cost to retroactively provide paid leave to employees who took unpaid leave for COVID-19-related reasons.

(A) For reimbursement of COVID-19-related paid leave that was already provided, the employer may, subject to the limitations of subdivision (2) of this subsection (e), apply for a grant in an amount equal to the number of hours of COVID-19-related paid leave provided to each employee multiplied by the greater of either the minimum wage established pursuant to 21 V.S.A. § 384 or the employee’s regular hourly wage.

(B) For COVID-19-related paid leave that will be provided retroactively to employees who took unpaid leave for COVID-19-related reasons, the employer may, subject to the limitations of subdivision (2) of this subsection (e), apply for a grant in an amount equal to the number of hours of COVID-19-related paid leave to be provided to each employee multiplied by

~~the greater of either the minimum wage established pursuant to 21 V.S.A. § 384 or the employee's regular hourly wage.~~

* * *

Sec. C.111 2021 Acts and Resolves No. 74, Sec. E.709.1, as amended by 2022 Acts and Resolves No. 166, Sec. 8, is amended to read

Sec. E.709.1 ENVIRONMENTAL CONTINGENCY FUND;
POLYCHLORINATED BIPHENYLS (PCBs) TESTING
IN SCHOOLS

(a) Notwithstanding 10 V.S.A. § 1283, of the funds transferred in Sec. D.101(a) of this act to the Environmental Contingency Fund, the Department of Environmental Conservation, in consultation with the Department of Health and the Agency of Education, shall use up to \$4,500,000 to complete air indoor quality testing for Polychlorinated Biphenyls (PCBs) in public schools and approved and recognized independent schools that were constructed or renovated before 1980. All schools subject to this subsection shall test for PCBs on or before July 1, ~~2025~~ 2027.

Sec. C.112 FUNDING OF POLYCHLORINATED BIPHENYLS (PCB)
REMEDICATION AND REMOVAL IN SCHOOLS

(a) Education Fund; PCB appropriations. Notwithstanding 2022 Acts and Resolves No. 178, Sec. 2(b):

(1) the funds reserved within the Education Fund for purposes of investigation, remediation, and removal of PCBs from schools are unreserved; and

(2) the unexpended or unobligated amount of the \$2,500,000 transferred by the Emergency Board to the Agency of Education for PCB remediation shall revert to the Education Fund for further allocation.

(b) Agency of Education; PCB remediation and removal reimbursement. Notwithstanding 16 V.S.A. § 4025(d), \$29,500,000 and the unexpended funds identified under subdivision (a)(2) of this section shall be appropriated from the Education Fund to the Agency of Education in fiscal year 2024 for the following purposes:

(1) Grants to schools in the State that are required to conduct investigation, remediation, or removal of PCB contamination in the school after Agency of Natural Resources testing but have not received a grant from the Agency of Education for the costs of investigation, remediation, or removal. The grants shall be in an amount sufficient to pay for 100 percent of the school's investigation, remediation, or removal costs required by the Agency of Natural Resources Investigation and Remediation of Contaminated

Properties Rule, including the costs incurred, when necessary, under State or federal law to relocate students to a facility during remediation or removal activities.

(2) Grants to schools in the State that conducted investigation, remediation, or removal of PCBs in the school after Agency of Natural Resources testing and received a grant for 80 percent of the costs of remediation or removal from the Agency of Education. The grants under this subdivision (2) shall be in an amount that will reimburse the school for any remediation or removal costs not paid by the Agency of Natural Resources.

(3) A grant to the Burlington School District to reimburse the school district for the actual cost of demolition and removal of PCB contamination at Burlington High School, not to exceed \$16,000,000.

(c) Reimbursement. If a school district in the State recovers money from litigation or other award for work covered under a grant issued under this section, the school district shall reimburse the State the amount of the recovery or the amount of the grant awarded to the school district under subsection (b) of this section, whichever amount is less. Any reimbursed monies shall be deposited into the Education Fund and reserved for use for school construction as approved by the General Assembly.

(d) State action. The State may recover from a manufacturer of PCBs monies expended or awarded by the State for PCB investigation, testing, assessment, remediation, or removal of PCBs in a school above the relevant action level.

Sec. C.113 2022 Acts and Resolves No. 172, Sec. 8 is amended to read:

Sec. 8. MUNICIPAL ENERGY REVOLVING FUND; FY 2023
APPROPRIATION TRANSFER; REPORT

(a) In FY 2023, Upon receipt of the following federal funds and to the extent permitted by federal law, the following amounts shall be transferred to the Department of Buildings and General Services from the Department of Public Service for the Municipal Energy Revolving Fund, as established in 29 V.S.A. § 168b:

* * *

Sec. C.114 PUBLIC SAFETY COMMUNICATIONS SYSTEM;
DISPATCH; INVENTORY; DESIGN

(a) The General Assembly finds that protecting public safety and welfare is an essential function of State government and it is in the public interest to establish a statewide reliable, secure, and interoperable public safety communications system, comprising integrated 911 call-taking and regional

dispatch systems, and to ensure that the system is equitably and sustainably financed and universally accessible by all persons throughout the State.

(b) It is not the intent of the General Assembly to establish a public safety communications system that disrupts or in any way jeopardizes the exceptional dispatch services currently in place or the existing 911 system, but rather to support, enhance, strengthen, and build upon those efforts and initiatives.

(c) The transition to a public safety communications system as specified in subsection (a) of this section shall be overseen and managed by the temporary Public Safety Communications Task Force established in subsection (d) of this section.

(d)(1) There is established a Public Safety Communications Task Force to oversee and manage all phases of the development, design, and implementation of a statewide public safety communications system as required by this section.

(2) The Task Force shall consist of seven members as follows:

(A) the Executive Director of the Enhanced 911 Board, who shall serve as Co-Chair;

(B) the Commissioner of Public Safety or designee, who shall serve as Co-Chair;

(C) one municipal official appointed by the Executive Director of the Vermont League of Cities and Towns;

(D) one representative from a public safety answering point overseen by a municipal police department appointed by the Vermont Association of Chiefs of Police;

(E) one emergency medical technician or paramedic appointed by the Vermont State Ambulance Association;

(F) one firefighter appointed by the Vermont State Firefighters' Association; and

(G) the Chair of the Regional Dispatch Working Group established by the General Assembly in Act 185 of 2022.

(3) At its initial organizational meeting the Task Force shall elect from among its members a vice chair. Meetings may be held at the call of a Co-Chair or at the request of two members. A majority of sitting members shall constitute a quorum, and action taken by the Task Force may be authorized by a majority of the members present and voting. Except for those members regularly employed by the State, members are entitled to a per diem in the amount of \$150 for each day spent in the performance of their duties. All

members, including members otherwise regularly employed by the State, shall receive their actual and necessary expenses when away from home or office upon their official duties pursuant to this section. A vacancy shall be filled by the respective appointing authority. If the Chair of the Regional Dispatch Working Group declines to participate as a member of the Task Force, the Task Force shall appoint one member who shall have expertise relevant to the purposes of this section.

(4) The Task Force is authorized to retain a project manager and one or more additional consultants with relevant expertise in public safety communications technology, design, and financing to assist with the requirements of this section.

(5) The Department of Public Safety shall provide the Task Force with administrative services and support.

(6)(A) The Task Force, in consultation with the Secretary of Administration, shall develop procedures and best practices for State agency cooperation and coordination on matters of overlapping jurisdiction. The primary purpose of this subdivision is to ensure the Task Force has access to expertise and data related to its mission, including expertise within and data maintained by the Department of Public Service, the Agency of Digital Services, the Division of Emergency Preparedness, Response and Injury within the Department of Health, the Department of Taxes, the Agency of Transportation, the Enhanced 911 Board, and the Department of Public Safety.

(B) Nothing in this subdivision shall be construed to waive any privilege or protection otherwise afforded information by law due solely to the fact that the information is shared with the Task Force pursuant to this subdivision.

(7) All meetings of the Task Force shall be open to the public and conducted in accordance with the Vermont Open Meeting Law. All records of the Task Force are subject to the Vermont Public Records Act.

(8) The Task Force shall cease to exist when a State entity authorized by legislative enactment to permanently oversee and manage the public safety communications system becomes operational.

(e) The establishment of a statewide public safety communications system shall occur in essentially three phases, which include data collection and analysis, design, and implementation. Certain aspects of each phase may occur simultaneously as deemed appropriate by the Task Force.

(1) Data collection and analysis. On or before September 15, 2024, the Task Force shall conduct a complete inventory and assessment of all aspects of dispatch service currently provided in Vermont and, to the extent possible,

dispatch service currently provided outside Vermont for response agencies located in Vermont, which shall include:

(A) an inventory of all existing dispatch infrastructure and equipment, including facilities, hardware, software, applications, and land mobile radio systems, referring to and incorporating any existing relevant data collected by a State or municipal entity;

(B) the number of full-time and part-time personnel currently performing dispatch service, taking into account personnel who have other responsibilities in addition to providing dispatch service;

(C) the current total spending on dispatch service in Vermont that includes and itemizes for each municipality and dispatch center all federal, State, and municipal appropriations and fees, every contract for dispatch or first responder service, and projected budgets;

(D) identification of the communications dead zones in the State, meaning those areas that lack the infrastructure to support public safety land-mobile-radio communications or cellular voice and data service, or both, and taking into consideration all cell towers, including those that are part of the FirstNet statewide public safety radio access network; cellular mapping efforts conducted by the Department of Public Service; and any existing, relevant mapping data collected by a dispatch center or other entity;

(E) with the assistance of the Vermont League of Cities and Towns, a needs assessment to determine where and to what extent there are gaps in dispatch service or significant challenges to the delivery of dispatch service and to identify those municipalities that are likely to be most affected by either the curtailment of dispatch service from the two State-run public safety answering points or from a new financing mechanism for the continuation of such service;

(F) an assessment of the service provided by each dispatch center and identification of particular challenges or vulnerabilities, if any, including with regard to workforce, failover procedures, communications technology, costs, and governance; and

(G) collection and assessment of any other information the Task Force deems relevant.

(2) Design. On or before January 15, 2024, the Task Force shall develop findings and recommendations related to draft elements of a preliminary design for a public safety communications system, including identification of a proposed implementation timeline and any additional data and resources needed to develop a final design on or before December 15, 2024. The final design shall include:

(A) technical and operational standards and protocols that ensure an interoperable and resilient system that incorporates computer-aided dispatch systems and land mobile radios;

(B) technology life-cycle standards to ensure system and database upgrades are timely, sufficiently financed, and properly managed;

(C) system and database security and cybersecurity standards;

(D) continuity of operations standards and best practices that encompass failover procedures and other system redundancies to ensure the continuous performance of mission-critical operations;

(E) workforce training standards and other staffing best practices that support the retention and well-being of dispatch personnel;

(F) a resource allocation plan that ensures dispatch service is available in all regions of the State, including the establishment of new dispatch centers or expanded capacity and capability of existing dispatch centers, if deemed appropriate by the Task Force;

(G) a process for annually reviewing the budgets of dispatch centers;

(H) a recommended governance model to ensure effective State and regional oversight, management, and continuous improvement of the system, including identification of staffing or operational needs to support such oversight and management of the system;

(I) cost estimates for implementing the system in Vermont, including operational and capital costs;

(J) options for sustainably and equitably structuring the financing of the public safety communications system, taking into consideration:

(i) existing budgets for regional and local dispatch;

(ii) the population, grand list, and call volume of each municipality;

(iii) existing and potential State funding streams;

(iv) available federal funding opportunities for public safety agencies and emergency communications systems, including equipment, network infrastructure, and services;

(v) financing models adopted in other jurisdictions for public safety communications systems; and

(vi) any other standards or procedures deemed necessary or appropriate by the Task Force.

(f)(1) If the Task Force determines that sufficient minimum technical and operational standards have been developed to warrant the funding of one or more pilot projects, the Task Force may submit for approval a pilot project plan to the Joint Fiscal Committee in calendar year 2023.

(2) Pilot projects eligible for funding under this subsection may include new regional dispatch centers or expanded capacity at existing regional dispatch centers, provided the Task Force determines the pilot demonstrates project readiness and is otherwise consistent with the standards and purposes of this section.

(3) In evaluating proposed pilot projects, the Task Force shall give a high priority to projects in geographical areas of the State that presently face significant challenges with respect to reliably providing dispatch service.

(4) The pilot project plan shall include a description of each proposed project, the resources needed, and an explanation of how the project will align with, inform, and further the development of a statewide public safety communications system and ensure transparency and accountability particularly with respect to the expenditure of State funds pursuant to this subsection.

(5) The Joint Fiscal Committee is authorized to approve up to \$4,500,000.00 in total for pilot projects authorized by this subsection.

(g) On or before January 15, 2024, the Task Force shall submit a progress report on the data collection and analysis required by subdivision (e)(1) of this section, the findings and recommendations required by subdivision (e)(2) of this section, and a description and status report of any pilot projects funded pursuant to subsection (f) of this section in a written report to the Senate Committees on Government Operations and on Finance and the House Committees on Government Operations and Military Affairs, on Ways and Means, and on Environment and Energy. On or before December 15, 2024, the Task Force shall submit to the same legislative committees a written report containing its final design plan as required by subdivision (e)(2) of this section.

Sec. C.115 2022 Acts and Resolves No. 185, Sec. B.1100 is amended to read:

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

* * *

(b) \$11,000,000 is appropriated from the General Fund to the Department of Public Safety for regional dispatch funding. The funds are subject to the following conditions:

(1) \$4,500,000 shall be held in reserve until the report required by Sec. E.209.1 of this act is submitted and further approval to expend the funds is granted by the General Assembly. Up to \$1,000,000 shall be available for the retention of technical experts to assist the Task Force with the analysis and planning required by Sec. C.112 of this act and to fund the administrative expenses incurred by the Public Safety Communications Task Force. If the Task Force determines in calendar year 2023 that additional funding is necessary to achieve its purposes, it may submit a request to the Joint Fiscal Committee. The Joint Fiscal Committee is authorized to approve up to an additional \$1,000,000.

(2) \$6,500,000 to provide grants to regional dispatch facilities upon approval of the Joint Fiscal Committee subsequent to review of a Regional Dispatch Facility grant plan submitted by the Commissioner of Public Safety. The plan shall include the extent to which federal funding sources may be available for regional dispatch. Up to \$4,500,000 shall be available to provide funding for pilot projects pursuant to Sec. C.112(f), of this act.

(3) Any remaining amounts not obligated pursuant to subdivisions (1) and (2) of this subsection (b) shall be held in reserve until approval to expend the funds is authorized by further enactment of the General Assembly.

(4) It is the intent of the General Assembly that the Department of Public Safety seek to draw and deploy the \$9,000,000 in Congressionally Directed Spending to support Vermont's transition to a modernized, regional communications network in a manner that coordinates with and advances the goals of a statewide public safety communications system. The Commissioner of Public Safety shall consult with the Public Safety Communications Task Force as the federal parameters for expending the funds become available and as the Commissioner develops a plan to expend such funds. In addition, the Commissioner shall update the Joint Fiscal Committee on planned expenditures.

* * *

Sec. C.116 VERMONT UNIVERSAL SERVICE FUND; JOINT FISCAL OFFICE STUDY

On or before January 15, 2024, the Joint Fiscal Office shall analyze options for changing the financing mechanism for the Vermont Universal Service Fund to ensure the long-term sustainability of the programs funded through the Vermont Universal Service Fund, including the Enhanced 911 system. The Joint Fiscal Office may consider and further refine the analysis and recommendations included in the Secretary of Administration's report related

to the funding of Enhanced 911 operations, dated January 15, 2022, and required by 2021 Acts and Resolves No. 74, Sec. E.235.

Sec. C.117 ORGANIC DAIRY FARM ASSISTANCE PROGRAM

(a) The Agency of Agriculture, Food and Markets shall establish an organic dairy farm assistance program consistent with the requirements of this section.

(b) An organic dairy farm is eligible for assistance under this section if:

(1) the farm is currently operating as a dairy farm producing milk, either organic or conventional;

(2) the farm shipped organic milk or processed its own organic milk under the requirements of 6 V.S.A. chapter 151 during calendar year 2022 and provides documentation to the Agency of Agriculture, Food and Markets of the amount of organic milk shipped or processed during calendar year 2022 per hundredweight;

(3) the farm is in good standing with the Agency of Agriculture, Food and Markets; and

(4) the farm submits an application for assistance to the Agency of Agriculture, Food and Markets by a date specified by the Secretary of Agriculture, Food and Markets.

(c) The Agency of Agriculture, Food and Markets shall award eligible organic dairy farms financial assistance in the form of a grant in the amount of \$5 per hundredweight of organic milk shipped or sold by the organic dairy farm in calendar year 2022. Once the Agency of Agriculture, Food and Markets determines that applications under this section are administratively complete, the Agency shall process applications for payment in their order of receipt. If all funds appropriated for implementation of this section are awarded by the Agency, no further awards shall be made. If any funds appropriated for implementation of this section remain after all timely applications are processed, the remaining funds shall be transferred to the Working Lands Enterprise Fund not later than December 31, 2023 for distribution by the Working Lands Enterprise Board under the Small Farmer Diversification and Transition Program.

Sec. C.118 2022 Acts and Resolves No.185, Sec. G.600(a)(2), as amended by 2023 Acts and Resolves No. 3, Sec. 67 is further amended to read:

(2) \$35,000,000 to the Department of Public Service to grant to contract with Efficiency Vermont for the purpose of weatherization incentives to Vermonters with a moderate income. These funds shall be deposited in the Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be

available for use ~~by Efficiency Vermont~~ this purpose through December 31, 2026. Households approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.

Sec. C.119 2022 Acts and Resolves No. 182, Sec. 3, as amended by 2023 Acts and Resolves No. 3, Sec. 75 is further amended to read:

Sec. 3. MANUFACTURED HOME IMPROVEMENT AND REPLACEMENT PROGRAM

Of the amounts available from the American Rescue Plan Act (ARPA) recovery funds, ~~the following amounts are~~ \$4,000,000 is appropriated to the Department of Housing and Community Development for the purposes specified:

(1) ~~\$2,500,000.00 for manufactured~~ Manufactured home community small-scale capital grants, through which the Department may award not more than \$20,000.00 for owners of manufactured housing communities to complete small-scale capital needs to help infill vacant lots with homes, which may include projects such as disposal of abandoned homes, lot grading/preparation, site electrical box issues/upgrades, E911 safety issues, legal fees, transporting homes out of flood zones, individual septic system, and marketing to help make it easier for home-seekers to find vacant lots around the State.

(2) ~~\$750,000.00 for manufactured~~ Manufactured home repair grants, through which the Department may award funding for minor rehab or accessibility projects, coordinated as possible with existing programs, for between 250 and 400 existing homes where the home is otherwise in good condition or in situations where the owner is unable to replace the home and the repair will keep them housed.

(3) ~~\$750,000.00 for new~~ New manufactured home foundation grants, through which the Department may award not more than \$15,000.00 per grant for a homeowner to pay for a foundation or HUD-approved slab, site preparation, skirting, tie-downs, and utility connections on vacant lots within manufactured home communities.

* * *

Sec. C.120 BALANCE RESERVE UNRESERVED; RESERVED FOR VCBB

(a) In fiscal year 2024, \$20,000,000 is unreserved from the General Fund Balance Reserve established by 32 V.S.A. § 308c.

(b) In fiscal year 2024, \$20,000,000 is reserved in the General Fund for the exclusive benefit of the Vermont Community Broadband Board and for the sole purpose of securing federal funding under the National

Telecommunications and Information Administration's Enabling Middle Mile Broadband Infrastructure Program. The State's pending application requires a commitment to provide contingency reserve funding equal to 25 percent of the total award amount if the application is approved and the award is accepted by the State.

(1) In the fiscal year 2024 budget adjustment act, any funds reserved, but not required, for the purpose described in Sec. C.120(b) shall be unreserved and reserved within the General Fund Balance Reserve established by 32 V.S.A. § 308c.

Sec. C.121 2022 Acts and Resolves No. 185, Sec. B.1100 as amended by 2023 Acts and Resolves No. 3 Sec. 45 is further amended to read:

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

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

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

* * *

(37) \$1,200,000 to the Department for Children and Families for a grant to be awarded to the Lund Center for an unrestricted contribution to its Residential Treatment program when it is are operating at full 26-bed capacity.

* * *

Sec. C.122 FISCAL YEAR 2023 CARRYFORWARD AUTHORITY FOR
HEALTH CARE WORKFORCE PROGRAM

(a) In fiscal year 2023, the Department of Health shall carry forward unspent appropriations made for the following programs:

(1) the Vermont Nursing Forgivable Loan Program created in 18 V.S.A. § 34;

(2) the Medical Student Incentive Scholarship Program created in 18 V.S.A. § 33; and

(3) the health professional loan repayment programs created in 18 V.S.A §§ 32 35.

(b) The Department shall true up and adjust the balances for any of the programs listed above if past carryforward amounts were inconsistent with legislative intent.

(c) The report required by Sec. E.125.1 of this act shall specifically address carryforward requirements and any clarify statutory amendments.

Sec. C.123 HOUSING TRANSITION; RESOURCES FOR
COMPREHENSIVE COMMUNITY RESPONSE

(a) The additional funding provided in this section is to be used for a coordinated and collaborated effort between State agencies and community partners to address community impacts as individuals transition from hotel and motel settings. The Secretaries of Administration, of Human Services, and of Commerce and Community Development, and their respective designees, shall collaborate with local community partners, including the community action agencies; designated and specialized service agencies; homeless shelters; health care providers such as free clinics, hospitals, health networks, and community health teams; youth service agencies; and willing civic and religious community organizations to support individuals and households who are transitioning from hotels and motels to alternate housing or shelter arrangements or who may be homeless.

(b) The Agency of Human Services shall transition the Coordinated Care Housing Resource Teams into existing regional teams that shall take the lessons learned from the statewide response and systematize cross-agency, team-based complex care. The Agency's field directors shall lead this transition, working in collaboration with leaders from the Blueprint for Health and the regional partner organizations described in subsection (a) of this section.

(c) The sum of \$10,000,000 shall be made available to the Department for Children and Families in fiscal year 2023 as set forth in subsections (d) and (e) of this section, and may be carried forward into fiscal year 2024, to provide assistance to individuals and households experiencing homelessness. Funds may be distributed through payments to beneficiaries, through grants, or through contracts, at the Department's discretion. The amounts to be distributed to community partners shall be awarded as flexible grants through the Department for Children and Families' Office of Economic Opportunity Housing Opportunity Program that enable the grantees working with these individuals and households to respond to their short-term needs, which may include rental deposits; campsite fees and camping equipment; furniture and appliances; car repairs, if funds for repairs are not available from other programs; and transportation costs, including relocation expenses.

(d) \$9,400,000 of the funds described in subsection (c) of this section shall be transferred to the Department for Children and Families as set forth in this subsection. The Agency of Administration shall structure the program in accordance with the requirements of 31 C.F.R. Part 35 and in a manner designed to achieve rapid deployment and administrative efficiency, and may

reallocate funds across governmental units in a net-neutral manner as follows for a total of \$9,400,000:

(1) The Commissioner of Finance and Management is authorized to reallocate General Fund appropriations made to the Vermont Housing and Conservation Board in 2023 Acts and Resolves No. 3, Sec. 45. In exchange, the Secretary of Administration shall provide an amount equal to the reallocation amount to the Vermont Housing and Conservation Board from the federal funds appropriated through the Emergency Rental Assistance Program, which was originally approved by the Joint Fiscal Committee pursuant to Grant Request #3034.

(2) The Commissioner of Finance and Management is authorized to reallocate American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds appropriated to the Agency of Human Services in 2021 Acts and Resolves No. 74, Sec. G.300(a)(31), as amended by 2022 Acts and Resolves No. 83, Sec. 68.

(e) The remaining \$600,000 of the funds described in subsection (c) of this section are appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Department for Children and Families for the purposes set forth in subsection (c) of this section.

(f) The funding provided in subsection (c) of this section is in addition to other funding for housing stability services allocated in this act or through other recent legislative action, including:

(1) \$15,200,000 in ARPA – Emergency Rental Assistance Program funds for three years of housing stability wraparound services through community partners;

(2) \$1,000,000 General Fund in 2023 Acts and Resolves No. 3, the fiscal year 2023 budget adjustment act, to provide coordinated care teams for wraparound support services;

(3) \$5,000,000 General Fund for a Housing Opportunity Program grant, of which \$500,000 was allocated from fiscal year 2022 surplus funds;

(4) \$1,500,000 General Fund and Global Commitment Fund in this act for Family Supported Housing programming;

(5) \$3,000,000 General Fund in 2023 Acts and Resolves No. 3 for the Housing Voucher Program for families experiencing homelessness;

(6) \$1,500,000 General Fund from fiscal year 2022 surplus funds for the Vermont Rental Subsidy program for families with very low income participating in the Reach Up program;

(7) \$18,776,814 General Fund for Office of Economic Opportunity annual base funding to provide grants to community agencies assisting individuals experiencing homelessness; and

(8) \$26,384,610 General Fund in combined annual base and one-time funding for the General Assistance Emergency Housing program under a hybrid adverse winter weather policy in fiscal years 2023 and 2024.

Sec. C.124 10 V.S.A. § 6081(y) is added to read:

* * *

(y) No permit or permit amendment is required for a retail electric distribution utility's rebuilding of existing electrical distribution lines and related facilities to improve reliability and service to existing customers, through overhead or underground lines in an existing corridor, road, or State or town road right-of-way. Nothing in this section shall be interpreted to exempt projects under this subsection from other required permits or the conditions on lands subject to existing permits required by this section.

* * *

Sec. C.125 EXEMPTION REPEAL

10 V.S.A. § 6081(y) is repealed on January 1, 2026.

Sec. C.126 ELECTRIC DISTRIBUTION UTILITY PROJECT REPORT

(a) On or before January 15, 2024, and annually until 2026, any distribution utility that takes an action exempt under 10 V.S.A. § 6081(y) shall report to the House Committee on Environment and Energy and the Senate Committees on Finance and on Natural Resources and Energy on the projects completed pursuant to that exemption in the preceding year. The report shall address: the location of the projects, including whether it is located in a "1-acre town" or a "10-acre town"; how many customers are affected by the project; whether the project involved lines being hardened in place, buried underground, or relocated to the right-of-way; how many poles were removed and how many poles were set; and what permits the projects were required to receive.

* * * Fiscal Year 2024 Fund Transfers and Reserve Allocations * * *

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues.

(1) The sum of \$560,000 is appropriated from the Current Use Administration Special Fund to the Department of Taxes for administration of the Use Tax Reimbursement Program. Notwithstanding 32 V.S.A. § 9610(c), amounts in excess of \$560,000 from the property transfer tax deposited into the Current Use Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$21,462,855 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board (VHCB). Notwithstanding 10 V.S.A. § 312, amounts in excess of \$21,462,855 from the property transfer tax and surcharge established by 32 V.S.A. § 9602a that are deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(A) The dedication of \$2,500,000 in revenue from the property transfer tax pursuant to 32 V.S.A. § 9610(d) for the debt payments on the affordable housing bond (10 V.S.A. § 314) shall be offset by the reduction of \$1,500,000 in the appropriation to the Vermont Housing and Conservation Board and \$1,000,000 from the surcharge established by 32 V.S.A. § 9602a. The fiscal year 2024 appropriation of \$21,462,855 to the Vermont Housing and Conservation Board reflects the \$1,500,000 reduction. The affordable housing bond and related property transfer tax and surcharge provisions are repealed after the life of the bond on July 1, 2039. Once the bond is retired, it is the intent of the General Assembly that the \$1,500,000 reduction in the appropriation to the Vermont Housing and Conservation Board should be restored.

(3) The sum of \$7,545,993 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts in excess of \$7,545,993 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$7,545,993 shall be allocated for the following:

(A) \$6,211,650 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$898,283 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b); and

(C) \$436,060 to the Agency of Digital Services for the Vermont Center for Geographic Information.

Sec. D.100.1 LEGISLATIVE INTENT FOR FISCAL YEAR 2024
PLANNING FUNDS

(a) It is the intent of the General Assembly that an amount not to exceed \$500,000 of the planning funds provided in Sec. D.100 of this act be used for municipal bylaw modernization.

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

(a) Notwithstanding any other provision of law to the contrary, the following amounts shall be transferred from the funds indicated:

(1) From the General Fund to:

(A) the Environmental Contingency Fund (21275): \$5,000,000;

(B) the Enhanced 911 Board Fund (21711): \$2,115,000;

(i) Of the funds transferred to the Enhanced 911 Board Fund in this subdivision, \$815,000 shall be used to support necessary 911 system upgrades beginning in fiscal year 2024;

(C) the Technology Modernization Special Fund (21951): \$10,000,000;

(D) the Cash Fund for Capital and Essential Investments (21952):

(i) \$17,685,000 for the Capital Infrastructure subaccount for use on capital projects as authorized in the capital bill and appropriated in this act; and

(ii) \$49,540,000 for the Other Infrastructure, Essential Investments, and Reserves subaccount for other expenditures and reserves as authorized by the General Assembly.

(E) the Fire Prevention/Building Inspection Special Fund (21901): \$1,500,000; and

(F) the Tax Computer System Modernization Fund (21909): \$3,600,000.

(2) From the Education Fund to:

(A) the Tax Computer System Modernization Fund (21909): \$1,300,000.

(3) From the Clean Water Fund (21932) established by 10 V.S.A. § 1388 to:

(A) the Agricultural Water Quality Special Fund (21933) created under 6 V.S.A. § 4803: \$6,684,880; and

(B) the Lake in Crisis Response Program Special Fund (21938) created under 10 V.S.A. § 1315: \$120,000.

(4) From the Transportation Fund to:

(A) the Downtown Transportation and Related Capital Improvement Fund (21575) established by 24 V.S.A. § 2796 to be used by the Vermont Downtown Development Board for the purposes of the Fund: \$523,966.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2024:

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

<u>22005</u>	<u>AHS Central Office Earned Federal Receipts</u>	<u>\$4,641,960</u>
<u>50300</u>	<u>Liquor Control Fund</u>	<u>\$21,200,000</u>
	<u>Sports Wagering Fund</u>	<u>\$1,204,000</u>
	<u>Caledonia Fair</u>	<u>\$5,000</u>
	<u>North Country Hospital Loan Repayment</u>	<u>\$24,047</u>
	<u>Springfield Hospital Promissory Note Repayment</u>	<u>\$121,416</u>

(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred to the General Fund. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

<u>21638</u>	<u>AG-Fees and reimbursement – Court order</u>	<u>\$1,000,000</u>
<u>621000</u>	<u>Unclaimed Property Fund</u>	<u>\$3,270,225</u>

(3) Notwithstanding 2016 Acts and Resolves No. 172, Sec. E.228, \$60,044,000 of the unencumbered balances in the Insurance Regulatory and Supervision Fund (21075), the Captive Insurance Regulatory and Supervision Fund (21085), and the Securities Regulatory and Supervision Fund (21080) shall be transferred to the General Fund.

(c) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the General Fund from the accounts indicated:

<u>3400004000</u>	<u>Agency of Human Services – Secretary’s Office – Global Commitment</u>	<u>\$15,103,683</u>
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(d) Notwithstanding any provisions of law to the contrary, in fiscal year 2024 the following estimated General Fund reserves shall be made:

(1) Pursuant to 32 V.S.A. § 308, an estimated amount of \$1,669,311 shall be unreserved from the General Fund Budget Stabilization Reserve.

Sec. D.102 27/53 RESERVE

(a) \$5,350,000 General Fund shall be reserved in the 27/53 reserve in fiscal year 2024. This action is the fiscal year 2024 contribution to the reserve for the 53rd week of Medicaid as required by 32 V.S.A. § 308e and the 27th payroll reserve as required by 32 V.S.A. § 308e.

Sec. D.103 UNRESERVED; INCENTIVE SCHOLARSHIP FUNDS

(a) In fiscal year 2024, \$700,000 in general funds reserved per 2022 Act and Resolves No. 185, Sec. C.107.2(b) are unreserved and available for appropriation.

Sec. D.104 EDUCATION FUND RESERVE; FUTURE SUPPLEMENTAL COST OF LIVING PAYMENTS

(a) In fiscal year 2024, notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the amount of \$9,100,000 is reserved in the Education Fund to fund future supplemental cost of living payments to qualifying retired members and beneficiaries of the Vermont State Teachers' Retirement System or the present value of any changes made to the methodology for calculating the postretirement adjustments allowance set forth in 16 V.S.A. § 1949, or both.

Sec. D.105 UPDATE REPORT ON ARPA – SFR APPROPRIATIONS

(a) The Joint Fiscal Committee shall ensure the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds report received in September 2023 per 2022 Acts and Resolves No. 185 Sec. G.200(a) is sent to the Chairs and Vice Chairs of the legislative standing committees. At the Committee's November 2023 meeting, the Committee shall identify any American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery appropriations that are available for reallocation to ensure these funds are utilized within the required time frame.

* * * General Government * * *

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of 68 permanent positions is authorized in fiscal year 2024 for the following:

(1) Permanent classified positions:

-
- (A) Agency of Agriculture, Food and Markets:
- (i) one Consumer Protection Specialist I; and
 - (ii) two Food Safety Specialist Is;
- (B) Criminal Justice Council: two FIP Instructors;
- (C) Department of Disabilities, Aging, and Independent Living:
- (i) five Quality and Program Participant Specialists;
 - (ii) one Dementia Coordinator; and
 - (iii) three Public Guardians;
- (D) Department of Financial Regulation: two Insurance Examiners;
- (E) Department of Human Resources:
- (i) one Compensation Analyst;
 - (ii) one Configuration Analyst II;
 - (iii) one Employee Support Specialist;
 - (iv) one FMLI Manager;
 - (v) one HR Administrator III;
 - (vi) one HR Administrator IV;
 - (vii) one HR Manager; and
 - (viii) one Talent Coordinator;
- (F) Department of Liquor and Lottery:
- (i) one Financial Analyst; and
 - (ii) one Sports Betting Director;
- (G) Department of Mental Health:
- (i) one Crisis Program Director;
 - (ii) one Mental Health Analyst I;
 - (iii) one Operations Manager; and
 - (iv) one Training and Curriculum Development Supervisor; and
 - (v) one Quality and Program Specialist;
- (H) Department of Taxes – State Appraisal and Litigation Assistance Program:
- (i) one Property Valuation and Review Program Manager;

(I) Office of the State Treasurer:

- (i) one Program Technician;
- (ii) one Administrative Services Coordinator;
- (iii) one Financial Specialist III;
- (iv) one Financial Manager I;
- (v) one Financial Manager II; and
- (vi) one Program Technician II;

(J) Enhanced 911 Board:

- (i) one Program Technician I;

(K) Department of Motor Vehicles:

- (i) three Motor Vehicle Inspectors;

(L) Office of the Defender General:

- (i) one Financial Director;

(M) Agency of Natural Resources:

- (i) one Aquatic Invasive Species Prevention Specialist;

(N) Agency of Transportation – Highway Division:

- (i) one Transportation Operations Technician III; and
- (ii) one Transportation Technician IV;

(O) Agency of Human Services – Central Office:

- (i) three Quality and Program Specialists;

(P) Vermont Pension Investment Commission:

- (i) one Investment Accountant;

(Q) Agency of Education:

- (i) one Afterschool and Summer Care Data Analyst; and
- (ii) one Afterschool and Summer Care Grant Program

Administrator.

(2) Permanent exempt positions:

(A) Department of Taxes – State Appraisal and Litigation Assistance Program: one Staff Attorney;

(B) Agency of Commerce and Community Development – Division for Historic Preservation – Vermont Commission on Native American Affairs: one Executive Director;

(C) Human Rights Commission – one Litigator;

(D) Office of the Attorney General – one Private Secretary;

(E) Department of State’s Attorneys and Sheriffs:

(i) five Deputy State’s Attorneys;

(ii) one Victim Advocate; and

(iii) two Legal Assistants;

(F) Office of the State Treasurer:

(i) one Director – VT Saves; and

(ii) one Communications and Outreach Manager – VT Saves

(G) Agency of Administration – Office of Health Equity

(i) one Director of Health Equity; and

(ii) one Private Secretary.

(b) The conversion of 49 limited service positions to classified permanent status is authorized in fiscal year 2024 as follows:

(1) Department of Public Safety, State Police:

(A) one Victim Services Specialist;

(2) Department of Vermont Health Access, Blueprint for Health Unit:

(A) one HCR Integration Manager;

(3) Department of Vermont Health Access, Health Care Reform Unit:

(A) one Administrative Services Manager I;

(B) five DVHA Program Consultants;

(C) one DVHA Quality Control Manager;

(D) one Health Reform Enterprise Director I;

(E) two Medicaid Operations Administrators;

(F) one Project and Operations Director;

(G) one Project and Operations Specialist; and

(H) one Project Director;

(4) Department of Vermont Health Access, Medicaid Policy Fiscal and Support Unit:

- (A) two Audit Liaison – Internal Control positions;
- (B) three DVHA Healthcare QC Auditors;
- (C) one DVHA Healthcare QC CAP Auditor;
- (D) two DVHA Program and Operations Auditors;
- (E) one DVHA Program Consultant;
- (F) one Health Reform Enterprise Director I; and
- (G) one Nurse Auditor;

(5) Department of Vermont Health Access, Payment Reform Unit:

- (A) one Admin HC Payment Reform Analytics position;
- (B) three Change Management Practitioners;
- (C) one Deputy Director of Payment Reform;
- (D) one Director of Operations for ACO Programs;
- (E) one Grant Programs Manager;
- (F) one Health Care Project Director;
- (G) one Payment Reform Special Project Lead; and
- (H) one Senior Policy Advisor;

(6) Agency of Transportation – Aviation Program:

- (A) nine Airport Maintenance Workers; and
- (B) one Airport Operations Specialist; and

(7) Agency of Natural Resources – Central Office:

- (A) one Environmental Justice and Civil Rights Director; and
- (B) two Environmental Justice Coordinators.

(c) The establishment of 9 new classified limited service positions is authorized in fiscal year 2024 as follows:

(1) Department for Children and Families for the Reach Ahead pilot program:

- (A) one Benefits Program Assistant Administrator; and
- (B) two Reach Up Case Manager IIs;

(2) Department of Forests, Parks and Recreation:

- (A) one Communications and Outreach Coordinator;
- (B) one Climate Forester;
- (C) three Forester IIs; and
- (D) one Land Acquisition Coordinator.

(d) The establishment of 23 new exempt limited service positions is authorized in fiscal year 2024 as follows:

(1) Department of State's Attorneys and Sheriffs:

- (A) six Deputy State's Attorneys;
- (B) six State's Attorney Legal Assistants;
- (C) six State's Attorney Victim Advocates; and
- (D) four State's Attorney Secretaries.

(2) Agency of Administration – Health Equity Advisory Commission:

- (A) one Private Secretary.

Sec. E.100.1 HEALTH EQUITY ADVISORY COMMISSION; OFFICE OF HEALTH EQUITY; ATTACHMENT FOR ADMINISTRATION; REPORT

(a) On or before January 15, 2024, the Health Equity Advisory Commission shall submit a written report to the House Committees on Appropriations, on Government Operations and Military Affairs, and on Health Care and the Senate Committees on Appropriations, on Government Operations, and on Health and Welfare regarding the appropriate State entity for the Office of Health Equity to be attached to for administrative purposes. The report shall identify various State entities to which the Office could be attached for administrative purposes in order to best position the Office to align with, coordinate with, and complement the State's health equity efforts, and shall examine the potential benefits and drawbacks of the Office being attached to each of the entities identified. The report shall also include a recommendation on how to administer community grants related to health equity.

(b) The Agency of Administration is authorized to expend funds appropriated to the Agency of Administration for the Health Equity Advisory Commission to fund administrative positions to complete the work required by this section or other legislation.

Sec. E.100.2 OFFICE OF HEALTH EQUITY POSITIONS

(a) \$250,000 of the funds appropriated in Sec. B.100 of this act are to fund two positions in the Office of Health Equity. These funds may only be expended, and the positions may only be filled, once the recommendation required by Sec. E.100.1 of this act regarding the permanent administrative location for the Office of Health Equity is provided.

Sec. E.104.1 DEPARTMENT OF FINANCE AND MANAGEMENT;
PENSION PLUS APPROPRIATION DIRECTIVE

(a) In fiscal year 2024, funds appropriated to the Department of Finance and Management and the Agency of Administration in Sec. B.104.1 of this act to fund additional payments to the Vermont State Retirement System made pursuant to 3 V.S.A. § 473(c)(8) shall be directly deposited in the Vermont State Retirement System.

(b) Beginning in fiscal year 2025, and in each applicable year thereafter, additional contributions pursuant to 3 V.S.A. § 473 (c)(8) shall be made through the percentage of payroll rate process pursuant to 3 V.S.A. § 473 (d).

Sec. E.107 3 V.S.A. § 473 is amended to read:

* * *

(c)(8) Annually, the Board shall certify an amount to pay the annual actuarially determined employer contribution, as calculated in this subsection, and additional amounts as follows:

(A) in fiscal year 2024, the amount of \$9,000,000.00;

(B) in fiscal year 2025, the amount of \$12,000,000.00;

(C) in fiscal year 2026 and in any year thereafter when the Fund is calculated to have a funded ratio of less than 90 percent, the amount of \$15,000,000.00.

(d) Contributions of State. As provided by law, the Retirement Board shall certify to the Governor or Governor-Elect a statement of the percentage of the payroll of all members sufficient to pay for all operating expenses of the Vermont State Retirement System and all contributions of the State that will become due and payable during the next biennium. The contributions of the State to pay the annual actuarially determined employer contribution and any additional amounts pursuant to section (c)(8) of this section shall be charged to the departmental appropriation from which members' salaries are paid and shall be included in each departmental budgetary request. Annually, on or before January 15, the Commissioner of Finance and Management shall provide to the General Assembly a breakdown of the components of the

payroll charge applied to each department's budget in the current fiscal year and anticipated to apply in the upcoming fiscal year. This report shall itemize the percentages of payroll assessments to fund:

(1) the actuarially determined employer contribution to the Vermont State Retirement System;

(2) any additional payments made pursuant to subdivision (c)(8) of this section to the Vermont State Retirement System; and

(3) the employer contribution to the State Employees' Postemployment Benefits Trust Fund made pursuant to 3 V.S.A. § 479a (e)(3).

Sec. E.108 3 V.S.A. § 479 is amended to read:

§ 479. GROUP INSURANCE

(a)(1) As provided under section 631 of this title, a member who is insured by the respective group insurance plans immediately preceding the member's effective date of retirement shall be entitled to continuation of group insurance as follows:

~~(A)(i)~~ coverage in the group medical benefit plan provided by the State of Vermont for active State employees; or

~~(B)(ii)~~ for a Group F and Group G plan member first included in the membership of the system on or after July 1, 2008, coverage in the group medical benefit plan offered by the State of Vermont for active State employees and pursuant to the following, provided:

~~(i)(I)~~ a member who has completed five years and less than 10 years of creditable service at the member's retirement shall pay the full cost of the premium;

~~(ii)(II)~~ a member who has completed 10 years and less than 15 years of creditable service at the member's retirement shall pay 60 percent of the cost of the premium;

~~(iii)(III)~~ a member who has completed 15 years and less than 20 years of creditable service at ~~his or her~~ the member's retirement shall pay 40 percent of the cost of the premium;

~~(iv)(IV)~~ a member who has completed 20 years or more of creditable service at ~~his or her~~ the member's retirement shall pay 20 percent of the cost of the premium; and

~~(2)(B)~~ members who have completed 20 years of creditable service at their effective date of retirement shall be entitled to the continuation of life insurance in the amount of \$10,000.00.

(2) Notwithstanding any provision of subdivision (1)(A)(i) or (ii) of this subsection to the contrary, a member may be offered health coverage other than coverage in the group medical benefit plan provided by the State of Vermont for active State employees if the following conditions are met:

(A) the alternative health coverage is substantially equivalent to the coverage offered through the group medical benefit plan provided by the State of Vermont for active State employees; and

(B) the alternative health coverage is mutually agreeable to:

(i) the State;

(ii) each employee organization that has been certified to represent one or more bargaining units pursuant to chapters 27 and 28 of this title; and

(iii) the Vermont Retired State Employees' Association.

(b) As of July 1, 2007, members of the Group C plan who separate from service prior to being eligible for retirement benefits under this chapter, who have at least 20 years of creditable service, and who participated in the group medical benefit plan at the time of separation from service shall have a one-time option at the time retirement benefits commence to participate in the group medical benefit plan provided by the State of Vermont for active State employees or any alternative health coverage provided pursuant to subdivision (a)(2) of this section. Premiums for the plan shall be prorated between the retired member and the Retirement System pursuant to section 631 of this title.

(c) Premiums for coverage of retired members of the Group C plan and their dependents in the group medical benefit plan or any alternative health coverage provided pursuant to subdivision (a)(2) of this section shall be prorated on the same basis as is provided for active employees by the current collective bargaining agreement for the nonmanagement unit. The amounts designated as the State's share of premium for the medical benefit plan and the total premium for group life insurance provided under subdivision (a)(2) of this section shall be paid by the Fund as an operating expense in accordance with subsection 473(d) of this title.

(d) After January 1, 2007, the State Treasurer may offer and administer a dental benefit plan for retired members, beneficiaries, eligible dependents, and eligible retirees of special affiliated groups and the dependents of members of those groups who are eligible for coverage in the State Employee Group Medical Benefit Plan or any alternative health coverage provided pursuant to subdivision (a)(2) of this section. The Plan shall be separate and apart from any dental benefit plan offered to Vermont State employees. The original plan of benefits, and any changes thereto, shall be determined by the State

Treasurer with due consideration of recommendations from the Retired Employees' Committee on Insurance established in section 636 of this title.

* * *

(3) Dependent eligibility shall be determined in the manner applied to determinations for coverage in the State Employee Medical Benefit Plan or any alternative health coverage provided pursuant to subdivision (a)(2) of this section.

(4) [Repealed.]

(e) As of January 1, 2007, and thereafter, upon retirement, members entitled to prorated group medical benefit plan premium payments from the Retirement System under the terms of this section shall have a one-time option to reduce the percentage of premium payments from the Retirement System during the member's life, with the provision that the Fund shall continue making an equal percentage of premium payments after the member's death for the life of the dependent beneficiary nominated by the member under section 468 of this title, should such dependent beneficiary survive the member. The Retirement Board, after consultation with its actuary, shall establish reduced premium payment percentages that are as cost neutral to the Fund as possible.

(f) [Repealed.]

(g) A member of the Group F or Group G plan who is first included in the membership of the System on or after July 1, 2008, who separates from service prior to being eligible for retirement benefits under this chapter, who has at least 20 years of creditable service, and who participated in the group medical benefit plan at the time of separation from service shall have a one-time option at the time retirement benefits commence to reinstate the same level of coverage, in the group medical benefit plan provided by the State of Vermont for active State employees or any alternative health coverage provided pursuant to subdivision (a)(2) of this section, that existed at the date of separation from service. Premiums for the plan shall be prorated between the retired member and the Retirement System pursuant to subsection 479(a) of this title.

* * *

Sec. E.108.1 3 V.S.A. § 631 is amended to read:

§ 631. GROUP INSURANCE FOR STATE EMPLOYEES; SALARY DEDUCTIONS FOR INSURANCE, SAVINGS PLANS, AND CREDIT UNIONS

(a)(1) The Secretary of Administration may contract on behalf of the State with any insurance company or nonprofit association doing business in this State to secure the benefits of franchise or group insurance. ~~Beginning July 1, 1978, the~~ The terms of coverage under the policy shall be determined under section 904 of this title, but it may include:

(A) life, disability, health, and accident insurance and benefits for any class or classes of State employees; and

(B) hospital, surgical, and medical benefits for any class or classes of State employees or for those employees and any class or classes of their dependents.

(2)(A)(i) As used in this section, the term “employees” includes any class or classes of elected or appointed officials, State’s Attorneys, sheriffs, employees of State’s Attorneys’ offices whose compensation is administered through the State of Vermont payroll system, except contractual and temporary employees, and deputy sheriffs paid by the State of Vermont pursuant to 24 V.S.A. § 290(b). The term “employees” shall not include members of the General Assembly as such, any person rendering service on a retainer or fee basis, members of boards or commissions, or persons other than employees of the Vermont Historical Society, the Vermont Film Corporation, the Vermont State Employees’ Credit Union, Vermont State Employees’ Association, and the Vermont Council on the Arts, whose compensation for service is not paid from the State Treasury, or any elected or appointed official unless the official is actively engaged in and devoting substantially full-time to the conduct of the business of ~~his or her~~ the official’s public office.

(ii) For purposes of group hospital-surgical-medical expense insurance, the term “employees” shall include employees as defined in subdivision (i) of this subdivision (2)(A) and former employees as defined in this subdivision who are retired and are receiving a retirement allowance from the Vermont State Retirement System or the State Teachers’ Retirement System of Vermont and, for the purposes of group life insurance only, are retired on or after July 1, 1961, and have completed 20 creditable years of service with the State before their retirement dates and are insured for group life insurance on their retirement dates.

* * *

(10) The Secretary of Administration shall not contract for any group hospital-surgical-medical expense insurance that provides a Medicare Advantage plan or similar plan established pursuant to Title XVIII of the Social Security Act without the explicit agreement of all employee organizations certified pursuant to chapters 27 and 28 of this title.

* * *

Sec. E.108.2 3 V.S.A. § 925 is amended to read:

§ 925. MEDIATION; FACT FINDING

* * *

(i)(1) In the case of the Vermont State Colleges or the University of Vermont, if the dispute remains unresolved 20 days after transmittal of findings and recommendations to the parties or within a time frame mutually agreed upon by the parties that may be not more than an additional 30 days, each party shall submit as a single package its last best offer on all disputed issues to the Board. Each party's last best offer shall be filed with the Board under seal and shall be unsealed and placed in the public record only when both parties' last best offers are filed with the Board. The Board shall hold one or more hearings. Within 30 days of the certifications, the Board shall select between the last best offers of the parties, considered in their entirety without amendment.

(2)(A) In the case of the State of Vermont or the Department of State's Attorneys and Sheriffs, if the dispute remains unresolved 20 days after transmittal of findings and recommendations to the parties or within a time frame mutually agreed upon by the parties that may be not more than an additional 30 days, each party shall submit as a single package its last best offer on all disputed issues to the Board, or upon the request of either party, to an arbitrator mutually agreed upon by the parties. If the parties cannot agree on an arbitrator, the American Arbitration Association shall appoint a neutral third party to act as arbitrator.

(B)(i) Each party's last best offer shall be filed with the Board or the arbitrator under seal and shall be unsealed and placed in the public record only when both parties' last best offers are filed with the Board or the arbitrator.

(ii) A party's last best offer shall not include a proposal to:

(I) provide alternative health coverage to retired State employees that has not been agreed to pursuant to the provisions of subdivision 479(a)(2) of this title; or

(II) provide health coverage that includes a Medicare Advantage plan or similar plan established pursuant to Title XVIII of the

Social Security Act unless the inclusion of the plan has been agreed to by both parties.

(iii) The Board or the arbitrator shall hold one or more hearings. Within 30 days of the certifications, the Board or the arbitrator shall select between the last best offers of the parties, considered in their entirety without amendment.

* * *

Sec. E.108.3 3 V.S.A. § 1018 is amended to read:

§ 1018. MEDIATION; FACT-FINDING; LAST BEST OFFER

* * *

(i)(1) If the dispute remains unresolved 20 days after transmittal of findings and recommendations or within a period of time mutually agreed upon by the parties that may be not more than an additional 30 days, each party shall submit to the Board or, upon the request of either party, to an arbitrator mutually agreed upon by the parties its last best offer on all disputed issues as a single package. If the parties cannot agree on an arbitrator, the American Arbitration Association shall appoint a neutral third party to act as arbitrator.

(2) Each party's last best offer shall be:

(A) filed with the Board or the arbitrator under seal;

(B) certified to the Board or the arbitrator by the fact finder; and

(C) unsealed and placed in the public record only when both parties' last best offers are filed with the Board or the arbitrator.

(3)(A) A party's last best offer shall not include a proposal to:

(i) provide alternative health coverage to retired State employees that has not been agreed to pursuant to the provisions of subdivision 479(a)(2) of this title; or

(ii) provide health coverage that includes a Medicare Advantage plan or similar plan established pursuant to Title XVIII of the Social Security Act unless the inclusion of the plan has been agreed to by both parties.

(4) The Board or the arbitrator shall hold one or more hearings and consider the recommendations of the fact finder.

~~(4)~~(5)(A) Within 30 days of the certifications, the Board or the arbitrator shall select between the last best offers of the parties, considered in their entirety without amendment, and shall determine its cost.

* * *

~~(5)~~(6) The Board or the arbitrator shall not issue an order under this subsection that is in conflict with any law or rule or that relates to an issue that is not bargainable.

~~(6)~~(7) The decision of the Board or the arbitrator shall be final and binding on the parties.

Sec. E.111.1 32 V.S.A. § 3209 is added as to read:

§ 3209. TAX COMPUTER SYSTEM MODERNIZATION FUND

(a) The Tax Computer System Modernization Fund #21909, as established in the State Treasury per 2007 Acts and Resolves No. 65, Sec. 282 as amended, is a special fund to support information technology improvements and initiatives of the Department of Taxes. Balances in the Fund shall be administered by the Department of Taxes and used exclusively for the purposes prescribed in subsection (c) of this section. Balances in the Fund at the end of each fiscal year shall be carried forward and remain part of the Fund. Interest earned by the Fund shall be deposited into the Fund.

(b) The Fund shall receive annual transfers from the General Fund and the Education Fund in amounts not to exceed 0.21 percent of total revenue collected in the prior fiscal year by the Department of Taxes. The fund may receive other receipts as directed or authorized by the General Assembly.

(c) The Fund shall be used for the development, implementation, enhancement, and maintenance of information technology systems and services for the administration of taxes and programs administered by the Department. This shall include requests for proposal, business requirements, analysis, implementation of new tax types, enhancements to existing systems, and payments due to vendors of information technology systems and services.

(d) The Commissioner of Taxes shall submit an annual report on the receipts, expenditures, and balances in the Tax Computer System Modernization Fund to the Joint Fiscal Committee each year at or prior to the Committee's November meeting each year.

Sec. E.111.2 TAX COMPUTER SYSTEM MODERNIZATION FUND
TRANSFER

(a) Any remaining funds on June 30, 2023 in the Tax Computer System Modernization Fund established by 2007 Acts and Resolves No. 65, Sec. 282, and amended from time to time, shall be deposited into the fund established by 32 V.S.A. § 3209.

Sec. E.111.3 24 V.S.A. § 138(c) is amended to read:

(c) Any tax imposed under the authority of this section shall be collected and administered by the Department of Taxes, in accordance with State law governing such State tax or taxes; provided, however, that a sales tax imposed under this section shall be collected on each sale that is subject to the Vermont sales tax using a destination basis for taxation. Except with respect to taxes collected on the sale of aviation jet fuel, a per-return fee of \$5.96 shall be assessed ~~to compensate the Department for the costs of administration and collection,~~ 70 percent of which shall be borne by the municipality, and 30 percent of which shall be borne by the State to be paid from the PILOT Special Fund. Notwithstanding 32 V.S.A. § 603 or any other provision of law or municipal charter to the contrary, revenue from the fee shall be used to compensate the Department for the costs of administering and collecting the local option tax and of administering the State appraisal and litigation program established in 32 V.S.A. § 5413. The fee shall be subject to the provisions of 32 V.S.A. § 605.

Sec. E.124 2018 (Sp. Sess.) Acts and Resolves No. 9, Sec. 8 is amended to read:

Sec. 8. REPEAL

~~On June 30, 2024:~~

~~(1) Sec. 3 of this act (creating the Executive Director of Racial Equity and Racial Equity Advisory Panel in 3 V.S.A. chapter 68) is repealed and the Executive Director position and Panel shall cease to exist; and~~

~~(2) Sec. 4 of this act (authorization for the Executive Director of Racial Equity position) is repealed. [Repealed.]~~

Sec. E.124.1 COUNCIL ON HOUSING AND HOMELESSNESS; INTENT

(a) It is the intent of the Vermont General Assembly to support the work of the Governor's Council on Housing and Homelessness, focusing on strategies for affordability and solving homelessness. The Council is encouraged to review and inventory the affordable housing that has been developed since January 2020, including the various public and private financing sources that have been utilized. The Council is also encouraged to review and inventory available housing assistance programs and funding levels.

Sec. E.125 2022 Acts and Resolves No. 126, Sec. 2 is amended to read:

Sec. 2. REPORT ON ACCESS TO CIVIL JUSTICE REMEDIES AND
LAW ENFORCEMENT QUALIFIED IMMUNITY IN
VERMONT

(a) On or before November 15, ~~2022~~ 2023, the Office of Legislative Counsel shall submit a written legal analysis to the Senate Committee on Judiciary, the House Committee on Judiciary, and the Joint Legislative Justice Oversight Committee concerning the impact of the doctrine of qualified immunity on access to civil justice remedies in the State of Vermont and the U.S. Court of Appeals for the Second Circuit. In particular, the analysis shall identify:

* * *

Sec. E.125.1 REVIEW OF WORKFORCE INCENTIVES, LOANS, AND
SCHOLARSHIP PROGRAMS

(a) On or before January 15, 2024, the Office of Legislative Counsel and the Joint Fiscal Office, in collaboration with the Agency of Human Services, the Department of Mental Health, the Department of Health, the Department of Disabilities, Aging, and Independent Living, the Vermont Student Assistance Corporation (VSAC), and the Office of Primary Care and Area Health Education Centers (AHEC) Program at the University of Vermont Larner College of Medicine shall issue a written report to the House and Senate Committees on Appropriations including:

(1) a complete inventory of existing State programs that provide workforce incentives in the form of scholarships, forgivable loans or loan repayment grants for a specified service obligation or other incentives with the objective of increasing the number of practitioners in health care and other social service occupations in Vermont;

(2) a summary of the amount and sources of funds for each program, both base and one-time, and any anticipated carryforward of unobligated balances at the close of fiscal year 2023;

(3) recommendations for streamlining or restructuring the existing programs with the goal of consolidating administration and making the programs easily accessible to potential students and existing or potential staff. There should be consideration of the level of program specificity that should be included in statute or remain within the authority of the administering entities. The report shall include the authorizing statute for each program and necessary statutory amendments to accomplish the recommendations.

Sec. E.127 FISCAL YEAR 2024 FEE REPORT; NATURAL RESOURCES
AND HUMAN SERVICES; NATURAL RESOURCES BOARD;
VETERANS' HOME

(a) Fiscal Year 2024 Fee Information. The Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans' Home shall, in collaboration with the Joint Fiscal Office, prepare a comprehensive fee report for the Agency of Natural Resources, the Agency of Human Services, the Natural Resources Board, and the Vermont Veterans' Home, respectively, for each fee in existence on July 1, 2023. Each fee report shall contain the following information:

- (1) the statutory authorization and termination date, if any;
- (2) the current rate or amount and date the fee was last set or adjusted by the General Assembly or Joint Fiscal Committee;
- (3) the Fund into which the fee revenues are deposited;
- (4) the revenues derived from each fee in the previous five fiscal years;
- (5) the number of instances that each fee was paid in the two most recent fiscal years;
- (6) a projection for fee revenues in the current fiscal year and the next fiscal year;
- (7) a description of the service or product provided or the regulatory function performed;
- (8) the relationship between the revenue raised and the cost of the service, product, or regulatory function supported by the fee;
- (9) the amount of the fee if it would have been adjusted by inflation since the fee was last set;
- (10) for any fees deposited in a special fund, the percent of the special fund that the fee represents;
- (11) whether any comparable fees exist in other jurisdictions;
- (12) any policies that might affect the viability of the fee amount; and
- (13) any other relevant considerations for setting the fee amount.

(b) Reports.

(1) On or before October 15, 2023, the Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans'

Home shall each submit a written draft report of the fiscal year 2024 fee information described in subsection (a) of this section to the Joint Fiscal Office for review and feedback. The Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans' Home shall each work with the Joint Fiscal Office to respond to feedback prior to submission of the final report described in subdivision (2) of this subsection.

(2) On or before December 15, 2023, the Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans' Home shall each submit a written final report of the fiscal year 2024 fee information described in subsection (a) of this section to the House Committees on Appropriations and on Ways and Means and the Senate Committees on Appropriations and on Finance.

(3) If any of the information on any fee that is requested in this section cannot be provided, the Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans' Home shall include in both the draft and final reports described in this subsection (b) a written explanation for why the information is not available.

(c) Fee report moratorium. Notwithstanding 32 V.S.A. § 605, in fiscal year 2024, the Governor shall not be required to submit the consolidated Executive Branch fee report and request to the General Assembly.

Sec. E.128 OFFICE OF THE SERGEANT AT ARMS; NEW POSITIONS

(a) The establishment of two new permanent exempt Capitol Police Officer positions in the Office of the Sergeant at Arms are authorized in fiscal year 2024.

Sec. E.128.1 2021 Acts and Resolves No. 74, Sec. E.126a is amended to read:

Sec. E.126a LEGISLATIVE – HUMAN RESOURCES ASSOCIATE POSITION

(a) One ~~limited-service~~ permanent exempt position, Human Resources Associate Generalist, is authorized for establishment in fiscal year 2022.

Sec. E.128.2 FARMERS' NIGHT CONCERT SERIES; APPROPRIATION

(a) The Office of the Sergeant at Arms is authorized to use not more than \$10,000 from resources available within the General Assembly's budget to provide honoraria to speakers and performing groups who are invited to participate in the 2024 Farmers' Night Concert Series and who are not otherwise sponsored or compensated for their participation.

Sec. E.131 TREASURER CLIMATE INFRASTRUCTURE FINANCING
COORDINATION

(a) The Treasurer may use funds appropriated in fiscal year 2024 to coordinate the State's climate infrastructure financing efforts. Use of funds can include administrative costs and third-party consultation. The Treasurer shall collaborate with, among others, the Vermont Climate Council, the Agency of Natural Resources – Climate Action Office, the Public Service Department, Vermont members of the Coalition for Green Capital, and the three financial instrumentalities of the State to create a framework for effective collaboration among Vermont organizations, agencies, and the financial instrumentalities of the State to maximize the amount of federal Greenhouse Gas Reduction Funds the State may receive and effectively coordinate the deployment of these and other greenhouse gas reduction funds. The Treasurer shall submit recommendations to the General Assembly regarding legislation for Vermont's climate infrastructure financing on or before January 15, 2024.

Sec. E.131.1 SCHOOL CONSTRUCTION AID TASK FORCE; REPORT

(a) Creation. The School Construction Aid Task Force is created to examine, evaluate, and report on issues relating to school construction aid.

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

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

(2) two current members of the Senate, who shall be appointed by the Committee on Committees;

(3) the State Treasurer or designee, who shall serve as co-chair;

(4) the Secretary of Education or designee, who shall serve as co-chair;

(5) the Executive Director of the Vermont National Education Association or designee;

(6) the Executive Director of the Vermont Principals' Association or designee;

(7) the Executive Director of the Vermont School Boards Association or designee;

(8) the Executive Director of the Vermont Superintendents Association or designee;

(9) the Executive Director of the Municipal Bond Bank or designee;

(10) the President of the Vermont School Custodians and Maintenance Association or designee;

(11) a person with expertise in historic preservation, appointed by the Governor;

(12) a person with expertise in the construction industry specializing in school facilities projects, appointed by the Governor;

(13) a member of the American Industrial Hygiene Association, appointed by the Governor; and;

(14) a person with expertise in school energy efficiency and energy performance contracting, who shall be appointed by the Governor.

(c) Powers and duties. The Task Force shall review the results of the statewide school facilities inventory and conditions assessment and the school construction funding report required by 2021 Acts and Resolves No. 72 and study the following issues relating to school construction aid:

(1) the needs, both programmatic and health and safety, of statewide school construction projects;

(2) funding options for a statewide school construction program, including any incentive plans;

(3) a governance structure for the oversight and management of a school construction aid program;

(4) the appropriate state action level for response to polychlorinated biphenyl contamination in a school; and

(5) criteria for prioritizing school construction funding.

(d) Assistance.

(1) The Task Force shall have the administrative, technical, and legal assistance of the Agency of Education, the Department of Health, and the Office of the State Treasurer.

(2) The Office of the State Treasurer is authorized to contract for services for the Task Force for technical assistance from a school construction expert and any administrative, technical, financial, or legal assistance required by the Task Force.

(e) Report. On or before January 15, 2024, the Task Force shall submit a written report to the House Committees on Corrections and Institutions, on Education, and on Ways and Means and the Senate Committees on Education, on Finance, and on Institutions with its findings and any recommendations for

legislative action, including a recommendation on how the State should expend the funding in the Education Fund reserved for future school construction.

(f) Meetings.

(1) The State Treasurer shall call the first meeting of the Task Force to occur on or before July 15, 2023.

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

(3) The Task Force shall cease to exist on July 1, 2024.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than 10 meetings. These payments shall be made from monies appropriated to the General Assembly.

(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 10 meetings. These payments shall be made from monies appropriated to the Office of the State Treasurer.

Sec. E.133 VERMONT STATE EMPLOYEES' RETIREMENT SYSTEM
AND VERMONT PENSION INVESTMENT COMMISSION;
OPERATING BUDGET, SOURCE OF FUNDS

(a) Of the \$2,990,679 appropriated in Sec. B.133 of this act, \$2,018,947 constitutes the Vermont State Employees' Retirement System operating budget, and \$971,732 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to the Vermont State Employees' Retirement System.

Sec. E.134 VERMONT MUNICIPAL EMPLOYEES' RETIREMENT
SYSTEM AND VERMONT PENSION INVESTMENT
COMMISSION; OPERATING BUDGET, SOURCE OF FUNDS

(a) Of the \$1,721,823 appropriated in Sec. B.134 of this act, \$1,361,777 constitutes the Vermont Municipal Employees' Retirement System operating budget, and \$360,046 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to the Vermont State Employees' Retirement System.

Sec. E.134.1 PUBLIC PENSION FUNDS; CARBON FOOTPRINT;
REVIEW; VERMONT PENSION INVESTMENT
COMMISSION

(a) Review. The Vermont Pension Investment Commission, in consultation with the Office of the State Treasurer, shall complete a review of the carbon footprint of the holdings of the Vermont State Employees' Retirement System, the Vermont State Teachers' Retirement System, and the Vermont Municipal Employees' Retirement System. For purposes of the review, "carbon footprint" means the extent to which the holdings are invested in stocks, securities, or other obligations of any fossil fuel company or any subsidiary, affiliate, or parent of any fossil fuel company.

(b) Report. On or before February 15, 2024, the Commission shall submit a report on the review described in subsection (a) of this section to the House Committees on Appropriations and on Government Operations and Military Affairs, the Senate Committees on Appropriations and on Government Operations, and to the Joint Pension Oversight Committee. The report shall include the definition of "fossil fuel company" that the Commission used for purposes of conducting the review and whether there are any recommendations for legislative action to divest from holdings that contain assets in the fossil fuel industry.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the appropriation in Sec B.139 of this act, \$9,000 shall be transferred to the Attorney General and \$70,000 shall be transferred to the Department of Taxes, Division of Property Valuation and Review and reserved and used with any remaining funds from the amount previously transferred for final payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of hydroelectric plants and other expenses incurred to undertake utility property appraisals in the State of Vermont.

Sec. E.142 PAYMENTS IN LIEU OF TAXES

(a) The appropriation in Sec. B.142 of this act is for State payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4. The payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act. Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

(b) Notwithstanding subsection (a) of this section, the payments under this section shall be adjusted so that the total payments made under Secs. E.142,

E.143, and E.144 of this act do not exceed 100 percent of the assessed value of State buildings as defined by 32 V.S.A. § 3701(2).

Sec. E.143 PAYMENTS IN LIEU OF TAXES – MONTPELIER

(a) Payments in lieu of taxes under Sec. B.143 of this act shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.144 PAYMENTS IN LIEU OF TAXES – CORRECTIONAL FACILITIES

(a) Payments in lieu of taxes under Sec. B.144 of this act shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

* * * Protection * * *

Sec. E.200 ATTORNEY GENERAL

(a) Notwithstanding any provision of law to the contrary, the Office of the Attorney General, Medicaid Fraud and Residential Abuse Unit, is authorized to retain, subject to appropriation, one-half of the State share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the State share of restitution to the Medicaid Program. All such designated additional recoveries retained shall be used to finance Medicaid Fraud and Residential Abuse Unit activities.

(b) Of the revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4), \$1,545,393 is appropriated in Sec. B.200 of this act.

Sec. E.204 JUDICIARY; NEW POSITIONS

(a) The establishment of seven new permanent exempt positions at the Judiciary are authorized in fiscal year 2024: five Judicial Assistants, one Superior Judge, and one Law Clerk.

(b) The Superior Judge position created pursuant to this section:

(1) shall be for a six-year term of office commencing on April 1, 2023, irrespective of the date when the initial appointment is made; and

(2) shall be subject to the judicial retention process under Chapter II, Sec. 34 of the Vermont Constitution.

Sec. E.204.1. 13 V.S.A. § 7282 is amended to read:

§ 7282. SURCHARGE

(a) In addition to any penalty or fine imposed by the court or ~~Judicial Bureau~~ for a criminal offense or any civil penalty imposed by the Judicial Bureau for a traffic violation, including any violation of a fish and wildlife statute or regulation, violation of a motor vehicle statute, or violation of any

local ordinance relating to the operation of a motor vehicle, except violations relating to seat belts and child restraints and ordinances relating to parking violations, the clerk of the court or Judicial Bureau shall levy an additional surcharge of:

* * *

(8)(A) For any offense or violation committed after June 30, 2006, but before July 1, 2008, \$26.00, of which \$18.75 shall be deposited in the Victims Compensation Special Fund.

(B) For any offense or violation committed after June 30, 2008, but before July 1, 2009, \$36.00, of which \$28.75 shall be deposited in the Victims' Compensation Special Fund.

(C) For any offense or violation committed after June 30, 2009, but before July 1, 2013, \$41, of which ~~\$23.75~~ \$27.50 shall be deposited in the Victims Compensation Special Fund created by section 5359 of this title, and of which ~~\$10.00~~ \$13.50 shall be deposited in the Domestic and Sexual Violence Special Fund created by section 5360 of this title.

(D) For any offense or violation committed after June 30, 2013, \$47.00, of which ~~\$29.75~~ \$33.50 shall be deposited in the Victims Compensation Special Fund created by section 5359 of this title, and of which ~~\$10.00~~ \$13.50 shall be deposited in the Domestic and Sexual Violence Special Fund created by section 5360 of this title.

* * *

(c) ~~SUI~~ SIU surcharge. In addition to any penalty or fine imposed by the court or Judicial Bureau for a criminal offense committed after July 1, 2009, the clerk of the court or Judicial Bureau shall levy an additional surcharge of \$100.00 to be deposited in the General Fund, in support of the Specialized Investigative Unit Grants Board created in 24 V.S.A. § 1940(c), and used to pay for the costs of Specialized Investigative Units.

Sec. E.208 PUBLIC SAFETY – ADMINISTRATION

(a) The Commissioner of Public Safety may enter into a performance-based contract with the Essex County Sheriff's Department to provide law enforcement service activities agreed upon by both the Commissioner of Public Safety and the Essex County Sheriff.

Sec. E.209 PUBLIC SAFETY – STATE POLICE

(a) Of the General Fund appropriation in Sec. B.209 of this act, \$35,000 shall be available to the Southern Vermont Wilderness Search and Rescue Team, which comprises State Police, the Department of Fish and Wildlife,

county sheriffs, and local law enforcement personnel in Bennington, Windham, and Windsor Counties, for snowmobile enforcement.

(b) Of the General Fund appropriation in Sec. B.209 of this act, \$405,000 is allocated for grants in support of the Drug Task Force. Of this amount, \$190,000 shall be used by the Vermont Drug Task Force to fund three town Task Force officers. These town Task Force officers shall be dedicated to enforcement efforts with respect to both regulated drugs as defined in 18 V.S.A. § 4201(29) and the diversion of legal prescription drugs. Any unobligated funds may be allocated by the Commissioner to the Drug Task Force or carried forward.

Sec. E.212 PUBLIC SAFETY – FIRE SAFETY

(a) Of the General Fund appropriation in Sec. B.212 of this act, \$55,000 shall be granted to the Vermont Rural Fire Protection Task Force to design dry hydrants.

Sec. E.215 MILITARY – ADMINISTRATION

(a) The amount of \$1,319,834 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard Tuition Benefit Program established in 16 V.S.A. § 2857.

Sec. E.219 MILITARY – VETERANS’ AFFAIRS

(a) Of the funds appropriated in Sec. B.219 of this act, \$1,000 shall be used for continuation of the Vermont Medal Program, \$4,800 shall be used for the expenses of the Governor’s Veterans’ Advisory Council, \$7,500 shall be used for the Veterans’ Day parade, and \$10,000 shall be granted to the American Legion for the Boys’ State and Girls’ State programs.

Sec. E.223 9 V.S.A. § 2730 is amended to read:

§ 2730. LICENSING FOR OPERATION OF WEIGHING AND MEASURING DEVICES

(a) As used in this section:

* * *

(14) “Electric vehicle supply equipment” and “electric vehicle supply equipment available to the public” have the same meanings as in 30 V.S.A. § 201.

* * *

(f)(1) The Secretary shall charge, per unit, the following annual license fees:

(A) Retail motor fuel dispenser meter: \$25.00.

* * *

(E) Each distinct plug-in connection point of electric vehicle supply equipment available to the public: \$25.00.

Sec. E.232 30 V.S.A. § 3085 is added to read:

§ 3085. CERTIFICATE OF GOOD STANDING

(a) A district may apply to the Secretary of State for a certificate of good standing.

(b) A certificate of good standing shall include:

(1) the official name of the district;

(2) that the district is duly formed pursuant to this chapter;

(3) the date of the district's formation;

(4) that the fee required by this section has been paid; and

(5) that a plan of dissolution for the district has not been approved pursuant to section 3083 of this chapter.

(c) Subject to any qualification stated in the certificate, a certificate of good standing issued by the Secretary of State may be:

(1) relied upon as conclusive evidence that the district is in existence and is authorized to deliver communications services and operate a communications plant pursuant to this chapter; and

(2) taken as prima facie evidence of the facts stated in the certificate.

(d) A district that applies for a certificate of good standing under this section shall pay to the Secretary of State a nonrefundable application fee of \$25.00.

* * * Human Services * * *

Sec. E.300 FUNDING FOR THE OFFICE OF THE HEALTH CARE
ADVOCATE; VERMONT LEGAL AID

(a) Of the funds appropriated in Sec. B.300 of this act:

(1) \$1,847,406 shall be used for the contract with the Office of the Health Care Advocate;

(2) \$1,717,994 for Vermont Legal Aid services, including the Poverty Law Project and mental health services; and

(3) \$650,000 is for the purposes of maintaining current Vermont Legal Aid program capacity and addressing increased requests for services, including eviction prevention and protection from foreclosure and consumer debt.

Sec. E.300.1 DESIGNATED AND SPECIALIZED SERVICE AGENCIES;
INCREASE

(a) In fiscal year 2024, the Agency of Human Services shall increase funding to the designated and specialized service agencies in the following manner:

(1) A five percent base increase for developmental disability services effective July 1, 2023; and

(2) A three percent base increase for mental health services effective July 1, 2023.

(A) The remaining mental health service fund increase shall be used to provide payment equity across the provider agencies. These funds shall be distributed as determined by the Agency of Human Services in the annual agreements or appropriate valuation model allocations for providers. The Agency shall report to the General Assembly in the fiscal year 2024 budget adjustment process on the status of these payment changes.

Sec. E.300.2 BLUEPRINT FOR HEALTH HUB AND SPOKE PROGRAM
PILOT; FUND SOURCES

(a) The Agency of Human Services, in collaboration with the Departments of Vermont Health Access and of Health, shall identify alternative fund sources, including sales tax revenue from tobacco, cannabis, and liquor, for ongoing funding of the Blueprint for Health Hub and Spoke program and shall update the Joint Fiscal Committee on its findings on or before November 15, 2023.

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

(a) The Agency of Human Services shall use the funds appropriated in Sec. B.301 of this act for payment of the actuarially certified premium required under the intergovernmental agreement between the Agency of Human Services and the managed care entity, the Department of Vermont Health Access, as provided for in the Global Commitment to Health Section 1115 demonstration (Global Commitment) approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

(b) In addition to the State funds appropriated in Sec. B.301 of this act, a total estimated sum of \$25,231,644 is anticipated to be certified as State matching funds under Global Commitment as follows:

(1) \$21,957,400 certified State match available from local education agencies for eligible special education school-based Medicaid services under Global Commitment. This amount, combined with \$28,542,600 of federal funds appropriated in Sec. B.301 of this act, equals a total estimated expenditure of \$50,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) \$3,093,521 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

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

Sec. E.301.1 GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER;
REPORT

(a) To facilitate the end-of-year closeout for fiscal year 2024, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the Agency of Human Services shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the Committee's September 2024 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment to Health Section 1115 demonstration approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. E.301.2 2022 Acts and Resolves No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. C.105 is further amended to read:

Sec. 72a. MEDICAID HOME- AND COMMUNITY-BASED SERVICES
(HCBS) PLAN

* * *

(f) The Global Commitment Fund appropriated in subsection (e) of this section may be obligated in fiscal year 2023 and fiscal year 2024 for the

purposes of bringing HCBS plan spending authority forward into fiscal year 2024 and fiscal year 2025, respectively. The funds appropriated in subsections (b), (c), and (e) of this section may be transferred on a net-neutral basis in fiscal year 2023 and fiscal year 2024 in the same manner as the Global Commitment appropriations in ~~Sec. E.301 of H.740 of 2022~~ 2022 Acts and Resolves No, 185, Sec. E.301. The Agency shall report to the Joint Fiscal Committee in September 2023 and September 2024, respectively, on transfers of appropriations made and final amounts expended by each department in fiscal year 2023 and fiscal year 2024, respectively, and any obligated funds carried forward to be expended in fiscal year 2024 and fiscal year 2025, respectively.

Sec. E.301.3 GLOBAL COMMITMENT FUND; HOSPITAL DIRECTED
PAYMENT PROGRAM

(a) The Agency of Human Services is authorized to seek a State Directed Payment model with the Centers for Medicare and Medicaid Services (CMS). This payment model will be for a Hospital Directed Payment (HDP) program. Upon approval from CMS, the Agency of Human Services' Department of Vermont Health Access, the University of Vermont, and the University of Vermont Medical Center may enter into a mutual agreement on the implementation of the HDP program.

(b) If CMS approves a Vermont HDP program within the State's Global Commitment to Health Section 1115 Demonstration Waiver in fiscal year 2024 while the General Assembly is not in session, then, pursuant to 32 V.S.A. § 511 and notwithstanding any other provision of law to the contrary, the Department of Finance and Management is authorized to approve the Agency of Human Services' allocation and expenditure of excess receipts for Global Commitment Fund spending up to the amount approved by CMS for the Vermont HDP program.

(c) In State fiscal year 2024, the Agency of Human Services is authorized, to the extent permitted under federal law, to reasonably manage the timing of federal fiscal year 2024 Disproportionate Share Hospital (DSH) payments to hospitals due to the impact the Vermont HDP program payments received in State fiscal year 2024 may have on hospitals' eligibility for DSH payments.

(d) The Agency of Human Services shall report on the status of the Vermont HDP program, the expenditure of excess receipts, and the status of the program's potential impacts on DSH payments at the September and November 2023 meetings of the Joint Fiscal Committee.

Sec. E.306 VERMONT HEALTH BENEFIT EXCHANGE RULES

(a) The Agency of Human Services may adopt rules pursuant to 3 V.S.A. chapter 25 to conform Vermont's rules regarding health care eligibility and enrollment and the operation of the Vermont Health Benefit Exchange to State and federal law and guidance. The Agency may use the emergency rules process pursuant to 3 V.S.A. § 844 prior to June 30, 2024, but only if new State or federal law or guidance requires Vermont to amend or adopt its rules in a time frame that cannot be accomplished under the traditional rulemaking process. An emergency rule adopted under these exigent circumstances shall be deemed to meet the standard for the adoption of emergency rules required pursuant to 3 V.S.A. § 844(a).

Sec. E.306.1 2013 Acts and Resolves No. 73, Sec. 60(10), as amended by 2017 Acts and Resolves No. 73, Sec. 14, 2018 Acts and Resolves No. 187, Sec. 5, 2019 Acts and Resolves No. 71, Sec. 21, and 2021 Acts and Resolves No. 73, Sec. 14, is further amended to read:

(10) Secs. 48–51 (health claims tax) shall take effect on July 1, 2013 and Sec. 52 (Health IT-Fund; sunset) shall take effect on July 1, ~~2023~~ 2025.

Sec. E.306.2 2019 Acts and Resolves No. 6, Sec. 105, as amended by 2019 Acts and Resolves No. 71, Sec. 19 and 2022 Acts and Resolves No. 83, Sec. 75, is further amended to read:

Sec. 105. EFFECTIVE DATES

* * *

(b) Sec. 73 (further amending 32 V.S.A. § 10402) shall take effect on July 1, ~~2023~~ 2025.

* * *

Sec. E.306.3 ADULT DAY PROGRAM; RATE REPORT

(a) On or before February 15, 2024, the Department of Vermont Health Access, in collaboration with the Department of Disabilities, Aging, and Independent Living and the Vermont Association of Adult Day Services, shall report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare on recommended payment methodologies that encourage increased enrollment or attendance, or both, and provide predictable funding levels for adult day programs.

Sec. E.307 2022 Acts and Resolves No. 185, Sec. E.334.1 is amended to read:

Sec. E.334.1 LONG-TERM CARE – PERSONAL NEEDS ALLOWANCE INCREASE

(a) The amount of the State supplement for Medicaid beneficiaries who reside in a nursing home and receive Supplemental Security Income shall increase by 10 percent to the degree practicable effective January 1, 2023 but not later than January 1, 2024.

(b) The amount of the personal needs allowance for all Medicaid beneficiaries who reside in a nursing home shall increase by 10 percent to the degree practicable effective January 1, 2023 but not later than January 1, 2024.

Sec. E.307.1 33 V.S.A. § 1992 is amended to read:

§ 1992. MEDICAID COVERAGE FOR ADULT DENTAL SERVICES

(a) Vermont Medicaid shall provide coverage for medically necessary dental services provided by a dentist, dental therapist, or dental hygienist working within the scope of the provider's license as follows:

* * *

(2)(A) Diagnostic, restorative, and endodontic procedures, to a maximum of ~~\$1,000.00~~ \$1,500.00 per calendar year, provided that the Department of Vermont Health Access may ~~approve~~ adjust the maximum pursuant to the process outlined in subdivision (B) of this subdivision (2) and may approve expenditures in excess of that amount when exceptional medical circumstances so require.

(B) The Department may set the maximum for coverage of diagnostic, restorative, and endodontic procedures in excess of the amount set forth in subdivision (A) of this subdivision (2) for a calendar year based on the Department's annual assessment of available funds, provided that the Department submit a report to the House Committee on Health Care, the Senate Committee on Health and Welfare, and the House and Senate Committees on Appropriations, or to the Joint Fiscal Committee if the General Assembly is not in session, each time the Department adjusts the maximum.

* * *

Sec. E.307.2 DEPARTMENT OF VERMONT HEALTH ACCESS;
MEDICAID DENTAL SERVICES; REPORT

(a) On or before January 15, 2025, the Department of Vermont Health Access shall report to the House Committee on Health Care, the Senate Committee on Health and Welfare, and the House and Senate Committees on Appropriations on its analysis of the impact of Medicaid dental provider rate

increases on the participation of dental providers in the Medicaid program, the geographic and network adequacy of dental providers for the Medicaid population, utilization of emergency dental services due to allowable exceptional medical circumstances, and predictions on costs of increasing or eliminating the dental cap.

Sec. E.312 HEALTH – PUBLIC HEALTH

(a) HIV/AIDS funding:

(1) In fiscal year 2024, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to Vermont AIDS service and peer-support organizations for client-based support services. The Department of Health AIDS Program shall meet at least quarterly with the Community Advisory Group (CAG) with current information and data relating to service initiatives. The funds shall be allocated according to an RFP process.

(2) In fiscal year 2024, the Department of Health shall provide grants in the amount of \$295,000 to the following organizations:

(A) Vermont CARES – \$140,000;

(B) AIDS Project of Southern Vermont – \$100,000; and

(C) HIV/HCV Resource Center – \$55,000.

(3) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by State general funds.

(A) The Secretary of Human Services shall immediately notify the Joint Fiscal Committee if at any time there are insufficient funds in VMAP to assist all eligible individuals. The Secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to VMAP medications until such time as the General Assembly can act.

(B) The Secretary of Human Services shall work in collaboration with the VMAP Advisory Committee, which shall be composed of not less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the Committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2024, the Department of Health shall provide grants in the amount of \$100,000 in General Funds to Vermont AIDS service

organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including syringe exchange programs; improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; and anti-stigma campaigns. Not more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(5) In fiscal year 2024, the Department of Health shall provide grants in the amount of \$300,000 in General Funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for syringe exchange programs. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health, the Vermont AIDS service organizations, and other Vermont HIV/AIDS prevention providers. The performance period for these grants shall be State fiscal year 2024. Grant reporting shall include outcomes and results.

(6) In fiscal year 2024, the Department of Health shall not reduce any grants to Vermont AIDS service and peer-support organizations or syringe service programs from funds appropriated for HIV/AIDS services to levels below those in fiscal year 2023 without receiving prior approval from the Joint Fiscal Committee.

Sec. E.312.1 DEPARTMENT OF HEALTH: EMERGENCY MEDICAL SERVICES COORDINATION; REPORT

(a) The Commissioner of Health shall provide a report to the General Assembly on or before January 15, 2024, on Emergency Medical Services in Vermont.

(b) The Commissioner shall design and conduct a stakeholder engagement process that ensures input and representation from all types of emergency medical service providers serving Vermonters, as well as hospital and health systems, public safety, and municipal government.

(c) The report shall identify issues and provide recommendations for legislative consideration that will sustain and improve the provision of emergency medical services for Vermonters. This may include:

- (1) issues related to costs of service and existing funding models;
- (2) issues related to coordination across agencies; and

(3) issues related to EMS District structure and authority, including consideration of recommendations on the number and configuration of EMS Districts and their powers, duties, and authority.

Sec. E.313 HEALTH; SUBSTANCE USE PROGRAMS

(a) In fiscal year 2024, the Department of Health shall provide additional grants from the Global Commitment fund in the amount of \$1,850,000 to Vermont's 12 recovery centers. The methods by which these funds are distributed shall be determined by mutual agreement of the Department and the recipients. The performance period of these grants shall be State fiscal year 2024. Recipients shall report outcomes to the Department.

(b) The Department of Health shall review and analyze the capital and operating model for recovery residences. This shall include the portion of capital investment for these facilities that is privately and publicly financed, a description of the existing operating models of these facilities, existence and content of sustainability plans, the current operating margins net of rental income generated and the array of existing other operating funding available to the facilities, and the annual amounts of depreciation claimed by investors related to these facilities. The Department shall report to the General Assembly on this analysis and any related recommendations.

Sec. E.316 STAKEHOLDER WORKING GROUP; FACILITY PLANNING
FOR JUSTICE-INVOLVED YOUTH

(a) The Department for Children and Families, in consultation with the Department of Buildings and General Services, shall assemble a stakeholder working group to provide regular input on the planning, design, development, and implementation of the temporary stabilization facility for youth and on the development of a long-term plan for the high-end system of care.

(b) The stakeholder working group, constituted as a subcommittee of, or drawn from, existing groups or created as a separate group, may include representatives from:

(1) the families of children in the Department's custody for delinquency offenses;

(2) youth who have been in custody for juvenile offenses;

(3) the Juvenile Defender's Office;

(4) the Office of State's Attorneys;

(5) the Family Court;

(6) the Office of Racial Equity;

- (7) the Vermont Family Network;
- (8) the Vermont Federation of Families;
- (9) the Children and Family Council for Prevention Programs;
- (10) the Vermont Protection and Advocacy;
- (11) the Department of Mental Health;
- (12) the Department of Disabilities, Aging, and Independent Living;
- (13) the State Program Standing Committees for Developmental Services, Children's Mental Health, and Adult Mental Health; and
- (14) any other groups the Department may select.

(c) The Department shall regularly present relevant information to the stakeholder working group established pursuant to this section and review recommendations from the working group regarding:

(1) facility design layout, programming, and policy development for the temporary stabilization facility, including data on the number of cases and types of case mix, as well as likely length of stay; and

(2) the Department's data and assumptions for size, type of treatment, and security levels for future permanent facilities included in the planning process proposed in the fiscal year 2024 capital bill; optimal locations, including whether a campus plan is appropriate; and any plans regarding the use of outside contractors for facility operations, including State oversight of appropriate quality of care.

(d) The stakeholder working group established in this section shall be subject to the requirements of the Vermont Open Meeting Law.

(e) On or before January 15, 2024, the Commissioner of Children and Families shall develop and submit a strategic plan to the House Committees on Corrections and Institutions and on Human Services and to the Senate Committees on Health and Welfare and Institutions, as part of the overall planning process for development of the high-end system of care, for preventing the disproportionality of youth who are Black, Indigenous, or Persons of Color in staff- or building-secure facilities. The strategic plan shall include mechanisms for collecting necessary data, and the process of development shall include input from relevant public stakeholders.

(f) The stakeholder working group shall cease to exist on June 30, 2025.

Sec. E.321 GENERAL ASSISTANCE HOUSING: ADVERSE WEATHER
CONDITIONS

(a) The Commissioner for Children and Families may, by policy, provide temporary housing for a limited duration in adverse weather conditions when appropriate shelter space is not available.

Sec. E.323 33 V.S.A. § 1001 is amended to read:

§ 1001. DEFINITIONS

As used in this chapter:

~~(1) “Able to work” means to be free of any physical, emotional, or mental condition that would prevent the individual from engaging in any combination of the work activities for at least 35 hours per week. [Repealed.]~~

~~(2) “Able to work part time” means having a physical, emotional, or mental condition that would allow the individual to engage in any combination of the work activities for at least 10 hours per week but would prevent the individual from engaging in such activities for 35 or more hours per week. [Repealed.]~~

* * *

~~(25) “Unable to work” means not able to work and not able to work part time. [Repealed.]~~

~~(26) “Work activities” means the following activities limited to the extent and degree that they are allowed and countable in accordance with Part A of Title IV of the Social Security Act:~~

~~(A) unsubsidized employment;~~

~~(B) subsidized private sector employment;~~

~~(C) subsidized public sector employment;~~

~~(D) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;~~

~~(E) on-the-job training;~~

~~(F) job search and job readiness assistance;~~

~~(G) community service programs;~~

~~(H) vocational educational training (not to exceed 12 months with respect to any individual);~~

~~(I) job skills training directly related to employment;~~

~~(J) education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;~~

~~(K) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate;~~

~~(L) the provision, consistent with the Department's rules applicable to self-employment, of child care services to an individual who is participating in a community service program;~~

~~(M) attendance at a financial literacy class; and~~

~~(N) any other work activity recognized in accordance with Part A of Title IV of the Social Security Act, as amended. [Repealed.]~~

~~(27) "Work-ready" means the participant possesses the education or skills demanded by the local job market or is capable of participating in one or more work activities at the level required by the participant's work requirement, and is not subject to any barrier. [Repealed.]~~

Sec. E.323.1 33 V.S.A. § 1004 is amended to read:

§ 1004. REACH FIRST PAYMENT

* * *

(c) For the purposes of calculating the payment, child support shall be treated as income, except that the first \$500.00 \$100.00 amount of child support shall be disregarded from income.

Sec. E.323.2 33 V.S.A. § 1005(b)(8) is amended to read:

~~(8) Assistance with obtaining documentation of an apparent or claimed physical, emotional, or mental condition that reasonably can be presumed to limit or eliminate the individual's capacity to engage in employment or other work activity. [Repealed.]~~

Sec. E.323.3 33 V.S.A. § 1006 is amended to read:

§ 1006. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS; COORDINATED SERVICES

* * *

(b) The family development plan shall include:

(1) Each parent parent's or caretaker's employment goal or plan to engage in the program, to the best of the parent's or caretaker's ability.

* * *

Sec. E.323.4 33 V.S.A. § 1011 is amended to read:

§ 1011. TRANSITION TO OTHER PROGRAMS

* * *

~~(b) If a family finds employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, but is financially eligible for Reach Up, the Department shall transfer the family to Reach Up, unless the family chooses not to participate. A family transferring from Reach First to Reach Up shall be treated as a recipient for the purposes of income calculation. [Repealed.]~~

~~(c) If a family finds employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, is not financially eligible for Reach Up, and is eligible for the Reach Ahead program, the Department shall transfer the family to Reach Ahead, unless the family chooses not to participate. A family transferring from Reach First to Reach Ahead shall be treated as a recipient for the purposes of income calculation. [Repealed.]~~

* * *

Sec. E.323.5 33 V.S.A. § 1203 is amended to read:

§ 1203. ELIGIBILITY

A family shall be eligible for Reach Ahead if the family resides in Vermont and:

(1) has left Reach Up or the postsecondary education program within the prior six months for employment that meets the federal work requirements for the ~~Reach Up~~ TANF program for the family's size and composition;

* * *

Sec. E.323.6 33 V.S.A. § 1212 is amended to read:

§ 1212. TRANSITION TO OTHER PROGRAMS

If a family loses employment meeting or exceeding the work requirements for ~~Reach Up~~ TANF for the family's size and composition and is financially eligible for Reach Up, the family shall be transferred to Reach First or Reach Up without an additional application process, unless the family chooses not to participate. Verification of income or other documentation may be required as provided for by rule.

Sec. E 323.7 REACH AHEAD PILOT PROGRAM

(a) Notwithstanding any provision to the contrary in 33 V.S.A. chapter 12, funds appropriated to the Department for Children and Families for the Reach Ahead Pilot Program in fiscal year 2024 shall be used to:

(1) enroll families that have left the Reach Up program or the postsecondary education program within the prior 12 months for employment that meets the federal work requirements for the Temporary Assistance for Needy Families program for the family's size and composition;

(2) increase the amount of monthly food assistance from \$50 to \$100 in the first 12 months of a family's participation in Reach Ahead;

(3) increase the amount of monthly food assistance from \$5 to \$50 in the second 12 months of a family's participation in Reach Ahead; and

(4) provide incentive payments to participating families in the amounts of:

(A) \$750, to be paid after participating in the Program for six months;

(B) \$1,000, to be paid after participating in the Program for 12 months;

(C) \$1,000, to be paid after participating in the Program for 18 months; and

(D) \$1,000, to be paid after participating in the Program for 24 months.

(b) Funding for this program is provided for in Sec. B.1100(o)(1) of this act and is only in effect for fiscal years 2024 and 2025, unless additional funding is authorized.

Sec. E.323.8 REACH AHEAD PILOT PROGRAM

(a) The Department for Children and Families – Economic Services Division shall collect and report data that measures outcomes for participants of the Reach Ahead Pilot Program established in Sec. E.323.7 of this act; the indicators used to measure participant and Pilot Program progress; and the strategies that are implemented.

Sec. E.324 EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households that have applied for an expedited seasonal fuel benefit but have not yet received it if the benefit cannot be executed in time to prevent them from running out of fuel.

The crisis fuel grants authorized pursuant to this section count toward the one crisis fuel grant allowed per household for the winter heating season pursuant to 33 V.S.A. § 2609(b).

Sec. E.325 DEPARTMENT FOR CHILDREN AND FAMILIES – OFFICE
OF ECONOMIC OPPORTUNITY

(a) Of the General Fund appropriation in Sec. B.325 of this act, \$18,776,814 shall be granted to community agencies to assist individuals experiencing homelessness by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal Emergency Solutions Grants funds. Funds shall be administered in consultation with the Vermont Coalition to End Homelessness.

(b) Of the General Fund appropriation in Sec. B.325 of this act, \$170,301 shall be granted to community agencies for financial coaching.

Sec. E.325.1 CHILD CARE FACILITIES FINANCING PROGRAM

(a) 33 V.S.A. § 3521 (Child Care Facilities Financing Program established) is repealed.

Sec. E.326 DEPARTMENT FOR CHILDREN AND FAMILIES – OFFICE
OF ECONOMIC OPPORTUNITY – WEATHERIZATION
ASSISTANCE

(a) Of the special fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.329 18 V.S.A. § 8725 is amended to read:

§ 8725. SYSTEM OF CARE PLAN

* * *

(e) Notwithstanding 2 V.S.A. § 20(d), on or before ~~January~~ February 15 of each year, the Department shall report to the Governor and the committees of jurisdiction regarding implementation of the plan, the extent to which the principles of service set forth in section 8724 of this title are achieved, and whether people with a developmental disability have any unmet service needs, including the number of people on waiting lists for developmental services.

* * *

Sec. E.330 SENIOR MEALS; MEAL PROVIDER EQUITY

(a) The Department of Disabilities, Aging, and Independent Living shall, in collaboration with the Vermont Area Agencies on Aging and the Vermont Association of Senior Centers and Meal Providers, identify a mechanism for

the direct distribution of the funds appropriated to the Department in Sec. B.330 of this act that ensures equity among meal providers to support quality meals and limit administrative costs.

Sec. E.333 DEPARTMENT OF DISABILITIES, AGING, AND
INDEPENDENT LIVING; QUALITY AND PROGRAM
PARTICIPANT SPECIALIST POSITIONS

(a) The five Department of Disabilities, Aging, and Independent Living Quality and Program Participant Specialist positions created in Sec. E.100 of this act shall be dedicated exclusively to the Developmental Disabilities Services division of the Department to ensure that quality oversight on-site visits for designated and specialized service agencies are performed at least annually and that Home and Community Based Services quality standards are implemented.

Sec. E.334 NURSING HOME RATE SETTING

(a) The Department of Disabilities, Aging, and Independent Living and the Department of Vermont Health Access shall report to the House Committees on Human Services and on Appropriations and the Senate Committees on Health and Welfare and on Appropriations not later than December 15, 2023 on the budgetary impact of eliminating the minimum occupancy threshold in the nursing home rate setting process and reducing the minimum occupancy threshold to not more than 80 percent in the nursing home rate setting process. The report shall include a recommendation on whether to eliminate or reduce the minimum occupancy requirement, timeline, and next steps for implementing the recommendation and anticipated impact on sustainability of Vermont nursing homes.

Sec. E.335 28 V.S.A. § 126 is added to read:

§ 126. DEPARTMENT OF CORRECTIONS; PEER SUPPORT PROGRAM;
CONFIDENTIALITY

(a) As used in this section:

(1) “Department” has the same meaning as in subdivision 3(4) of this title.

(2) “Participant” means a Department staff member who has been involved in a traumatic incident by reason of employment at the Department and who has agreed to participate in the Department’s peer support program.

(3) “Peer support” means appropriate support and services offered by a peer support specialist to a participant.

(4) “Peer support program” means a program established by the Department of Corrections to provide appropriate peer support services to Department staff members.

(5) “Peer support session” means a peer support program session for a Department staff member who has been involved in a traumatic incident by reason of employment at the Department or related to other personal matters.

(6) “Peer support specialist” means a Department staff member who, by reason of the staff member’s prior experience, training, or interest, has expressed a desire and has been selected to provide appropriate peer support services to a participant.

(7) “Staff member” means a supervising officer as defined in subdivision 3(9) of this title, a correctional officer as defined in subdivision 3(10) of this title, and any other employee of the Department.

(b)(1) Except as provided in subsection (d) of this section, any communication made by a participant or peer support specialist in a peer support session of the peer support program, including any oral or written information conveyed during a peer support session, shall not be disclosed by any individual participating in the peer support session.

(2) Except as provided by subsection (d) of this section, any communication relating to a peer support session between peer support specialists, between peer support specialists and participants of the peer support program, between participants of the peer support program, or between any other Department staff member, including any oral or written information, shall not be disclosed by any individual participating in the communication.

(3) Written communications described in this subsection, such as notes, records, and reports related to a peer support session, are exempt from public inspection and copying under the Public Records Act and shall be kept confidential. The Public Records Act exemptions created in this section shall not be subject to the provisions of 1 V.S.A. § 317(e) (repeal of Public Records Act exemptions).

(c) Except as provided by subsection (d) of this section, any communication made by a participant or peer support specialist in a peer support session, including any oral or written communication, such as notes, records, and reports related to the peer support session, shall not be admissible in a judicial, administrative, or arbitration proceeding. Limitations on disclosure imposed by this subsection include disclosure during any discovery conducted as part of an adjudicatory proceeding. Limitations on disclosure imposed by this subsection shall not include knowledge acquired by the

Department or staff members from observations made during the course of employment or information acquired by the Department or staff members during the course of employment that is otherwise subject to discovery or introduction into evidence.

(d)(1) Confidentiality protections described in subsections (b) and (c) of this section shall only apply to a peer support session conducted by an individual who has:

(A) been designated by the Department or the peer support program to act as a peer support specialist; and

(B) received and completed training in peer support and providing emotional and moral support to Department staff members who have been involved in emotionally traumatic incidents by reason of their employment or other personal matters.

(2) Confidentiality protections described in subsections (b) and (c) of this section shall not apply to the following information as it pertains to an individual designated to receive such information in the normal course the individual's professional responsibilities:

(A) any threat of suicide or homicide made by a participant of a peer support session or any information conveyed in a peer support session relating to a threat of suicide or homicide;

(B) any information relating to the abuse of a child or vulnerable adult, or other information that is required to be reported by law;

(C) any admission of criminal conduct; or

(D) any admission of a plan to commit a crime.

(e) Nothing in this section shall prohibit any communications between peer support specialists regarding a peer support session or between peer support specialists and participants of the peer support program.

Sec. E.338 CORRECTIONS – CORRECTIONAL SERVICES

(a) Notwithstanding 32 V.S.A. § 3709(a), the special funds appropriation of \$152,000 for the supplemental facility payments to Newport and Springfield shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.338.1 13 V.S.A. § 7554b is amended to read:

§ 7554b. HOME DETENTION PROGRAM

(a) Definition. As used in this section, “home detention” means a program of confinement and supervision that restricts a defendant to a preapproved

residence continuously, except for authorized absences, and is enforced by appropriate means of surveillance and electronic monitoring by the Department of Corrections, including the use of passive electronic monitoring. The court may authorize scheduled absences such as for work, school, or treatment. Any changes in the schedule shall be solely at the discretion of the Department of Corrections. A defendant who is on home detention shall remain in the custody of the Commissioner of Corrections with conditions set by the court.

* * *

Sec. E.338.2 HOME DETENTION PROGRAM; REVIEW; REPORT

(a) The Joint Legislative Justice Oversight Committee shall review the Home Detention Program under 13 V.S.A. § 7554b, including its historical and current use, defendant eligibility criteria, and any potential changes to the types of crimes for which it can be used.

(b) On or before November 15, 2023, the Committee shall submit any findings resulting from its review in the form of proposed legislation to the General Assembly.

Sec. E.338.3 REPEALS

(a) 13 V.S.A. § 7554(a)(1)(G) (Release prior to trial; reference to 13 V.S.A. § 7554d) is repealed.

(b) 13 V.S.A. § 7554(a)(2)(F) (Release prior to trial; reference to 13 V.S.A. § 7554d) is repealed.

(c) 13 V.S.A. § 7554d (Electronic Monitoring Pilot Program) is repealed.

Sec. E.338.4 28 V.S.A. chapter 11 is amended to read:

CHAPTER 11. SUPERVISION OF ADULT INMATES AT
THE CORRECTIONAL FACILITIES

* * *

Subchapter 1A. Offender Reintegration

* * *

§ 722. DEFINITIONS

As used in this subchapter:

(1) “Absconding” means:

(A) the offender has not met supervision requirements, cannot be located with reasonable efforts, and has not made contact with Department

staff within three days if convicted of a listed crime as defined in 13 V.S.A. § 5301(7) or seven days if convicted of an unlisted crime;

(B) the offender flees from Department staff or law enforcement; or

(C) the offender left the State without Department authorization.

(2) “Conditional reentry” means the process by which a sentenced offender is released into a community for supervision while participating in programs that assist the reintegration process. The offender’s ability to remain in the community under supervision is conditioned on the offender’s progress in reentry programs.

~~(2)~~(3) “Listed crime” means any offense identified in 13 V.S.A. § 5301(7).

(4) “Technical violation” means a violation of conditions of furlough that does not constitute a new crime.

~~(3)~~(5) “Total effective sentence” means the sentence imposed under 13 V.S.A. §§ 7031 and 7032 as calculated by the Department in the offender’s records.

~~(4)~~(6) “Unlisted crime” means any offense that is a crime under Vermont law, but is not identified in 13 V.S.A. § 5301(7).

* * *

§ 724. TERMS AND CONDITIONS OF COMMUNITY SUPERVISION FURLOUGH

* * *

(d) Technical violations.

~~(1) As used in this section, “technical violation” means a violation of conditions of furlough that does not constitute a new crime.~~

(2) It shall be abuse of the Department’s discretion to revoke furlough or interrupt furlough status for 90 days or longer for a technical violation, unless:

~~(A)~~(1) The offender’s risk to reoffend can no longer be adequately controlled in the community, and no other method to control noncompliance is suitable.

~~(B)~~(2) The violation or pattern of violations indicate the offender poses a danger to others.

~~(C)~~(3) The offender’s violation is absconding from community supervision furlough. As used in this subdivision, “absconding” means:

~~(i) the offender has not met supervision requirements, cannot be located with reasonable efforts, and has not made contact with Department staff within three days if convicted of a listed crime as defined in 13 V.S.A. § 5301(7) or seven days if convicted of a crime not listed in 13 V.S.A. § 5301(7);~~

~~(ii) the offender flees from Department staff or law enforcement;~~
~~or~~

~~(iii) the offender left the State without Department authorization.~~

* * *

§ 808e. ABSCONDING FROM FURLOUGH; WARRANT

(a) “Absconded” has the same meaning as “absconding” as defined in subdivision 724(d)(2)(C) of this title.

(b) The Commissioner of Corrections may issue a warrant for the arrest of a person who has absconded from furlough status in violation of subsection 808(a) or section 723 or 808a, 808b, or 808e of this title, requiring the person to be returned to a correctional facility. A law enforcement officer who is provided with a warrant issued pursuant to this section shall execute the warrant and return the person who has absconded from furlough to the Department of Corrections.

~~(b)(c)~~ A person for whom an arrest warrant is issued pursuant to this section shall not earn credit toward service of ~~his or her~~ the person’s sentence for any days that the warrant is outstanding.

* * *

Sec. E.345 HOSPITAL SYSTEM TRANSFORMATION PLANNING; PILOT PROJECTS; UPDATE

(a) The Green Mountain Care Board shall submit an update to the Health Reform Oversight Committee on or before November 1, 2023 regarding the financial status of hospitals as reflected in the fiscal year 2022 actual operating results, any early indications for fiscal year 2023 hospital budget performance, and an overview of the fiscal year 2024 budget guidance provided to hospitals. The update shall address how budget guidance development aligns with the intent and requirements of 2022 Acts and Resolves No. 167.

* * * General Education * * *

Sec. E.500 EDUCATION – FINANCE AND ADMINISTRATION

(a) The Global Commitment funds appropriated in Sec. B.500 of this act shall be used for physician claims for determining medical necessity of

Individualized Education Programs (IEPs). These services are intended to increase access to quality health care for uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.500.1 16 V.S.A. § 4018 is added to read:

§ 4018. AFTERSCHOOL AND SUMMER LEARNING PROGRAMS

(a) Education Fund grants in an amount equal to the receipts from the sales and use tax imposed by 32 V.S.A. chapter 233 on retail sales of cannabis or cannabis products in this State, net of any administrative costs per subsection (b)(4) of this section, shall be used to fund grant programs for the expansion of summer and afterschool programs with an emphasis on increasing access in underserved areas of the State.

(b) The Secretary of Education shall administer the grant programs, as follows:

(1) Grants shall be used to support a mixed delivery system for afterschool and summer programming. Eligible recipients can be public, private, or nonprofit organizations.

(2) Grants may be used for technical assistance, program implementation, program expansion, program sustainability, and related costs.

(3) Grants may be used to directly target communities with low existing capacity to serve youth in afterschool and summer settings.

(4) The Agency may use up to \$500,000 for administrative costs to allow for the support of the grant program and technical assistance to communities. This could include subcontracts to support the grant programs.

(c) An Advisory Committee is created to support the Secretary of Education in administering funds pursuant to this section. The Agency shall provide administrative and technical support to the Committee. The Committee is to be composed of:

(1) the State's Chief Prevention Officer;

(2) the Commissioner for Children and Families or designee;

(3) the Commissioner of Health or designee;

(4) the Commissioner of Mental Health or designee;

(5) the Secretary of Natural Resources or designee;

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

(7) the Vermont Afterschool Executive Director or designee; and

(8) a representative from the Governor's Office.

(d) On or before each November 15, the Agency of Education shall submit to the General Assembly a plan to fund grants in furtherance of the purposes of subsection (a) of this section and report outcomes data on the grants made during the previous year. The Agency shall also report on the number of programs, slots, weeks, or hours; geographic distribution; and what is known about costs to families. The report should be inclusive of 21C programming. The amount of grant funds awarded shall be in alignment with the actual revenue collected from the sales and use tax imposed by 32 V.S.A. § 233 on cannabis or cannabis products in this State. Discrepancies between the amount of grant funds awarded and actual revenue shall be reconciled through the budget adjustment process. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the plan to be made under this subsection.

Sec. E.500.2 REPEALS

(a) 2020 Acts and Resolves No. 164, Secs. 17c (dedicated use of sales and use tax on cannabis) and 17d (annual budgeting of sales and use tax revenue) are repealed.

Sec. E.502 EDUCATION – SPECIAL EDUCATION: FORMULA GRANTS

(a) Of the appropriation authorized in Sec. B.502 of this act, and notwithstanding any other provision of law, an amount not to exceed \$4,195,600 shall be used by the Agency of Education in fiscal year 2024 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary will not be limited by the restrictions contained within 16 V.S.A. § 2969(c)–(d).

Sec. E.503 EDUCATION – STATE-PLACED STUDENTS

(a) The Independence Place Program of the Lund Family Center shall be considered a 24-hour residential program for the purposes of reimbursement of education costs.

Sec. E.504 ADULT BASIC EDUCATION AND LITERACY HSCP STUDENT ACCESS STUDY; REPORT

(a) The High School Completion Program (HSCP) is experiencing decreased enrollment due to the COVID-19 pandemic, policy changes within the program, and lower literacy skills that limit acceptance into the program. Adult basic education programs overall are experiencing funding reductions due to decreased enrollment.

(b) There is created the Adult Education and Literacy HSCP Student Access Study Committee to review and report on decreased HSCP enrollment and subsequent adult basic education funding issues. The Committee shall

make recommendations to the Joint Fiscal Committee, the General Assembly, and the Agency of Administration on or before January 15, 2024 to increase enrollment in HSCP.

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

(1) a current member of the House, who shall be appointed by the Speaker of the House;

(2) a current member of the Senate, who shall be appointed by the Committee on Committees;

(3) the Secretary of Education or designee;

(4) the Executive Director of Racial Equity or designee; and

(5) the Executive Director of Central Vermont Adult Basic Education or designee.

(d) Powers and duties. The Committee shall review and make recommendations to reduce barriers for vulnerable Vermonters, including English learner applicants to Adult Education Programs, including any discrepancies between admission and testing standards for English learner applicants and all other applicants. The Committee shall provide recommendations in its report to the Joint Fiscal Committee and the House and Senate Committees on Education on how to increase equity and education access to Adult Education Programs. The Committee shall include in its report any administrative changes that could be made to help achieve these goals.

(e) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Agency of Education.

(f) The Committee shall submit a written report to the Joint Fiscal Committee, the General Assembly, and the Agency of Administration on or before January 15, 2024 with its findings and any recommendations for legislative action based on the analysis conducted pursuant to subsection (d) of this section. It is the intent of the General Assembly that the Committee report be used to inform fiscal year 2025 budget considerations and that the recommendations of the Committee be implemented to increase HSCP enrollment.

(g) The Secretary of Education or designee shall call the first meeting of the Committee. The Committee shall hold not more than five meetings, the first of which shall be on or before September 15, 2023.

Sec. E.504.1 EDUCATION – FLEXIBLE PATHWAYS

(a) Of the appropriation in Sec. B.504 of this act, \$1,900,000 from the Education Fund will be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 943(c).

(b) Notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, of this Education Fund appropriation, the amount of:

(1) \$921,500 is available for dual enrollment programs notwithstanding 16 V.S.A. § 944(f)(2);

(2) \$2,000,000 is available to support the Vermont Virtual Learning Cooperative at the River Valley Technical Center School District;

(3) \$400,000 is available for secondary school reform grants;

(4) \$4,000,000 is available for Early College pursuant to 16 V.S.A. § 946.

(c) Of the appropriation in Sec. B.504 of this act, \$921,500 from the General Fund is available for dual enrollment programs.

Sec. E.511.1 MORATORIUM ON APPROVAL OF NEW APPROVED
INDEPENDENT SCHOOLS

(a) Notwithstanding any provision of law to the contrary, the State Board of Education shall be prohibited from approving an application for initial approval of an approved independent school until further direction by the General Assembly.

Sec. E.514 VERMONT STATE TEACHERS' RETIREMENT SYSTEM

(a) The total annual employer contribution to the Vermont State Teachers' Retirement System (VSTRS) in fiscal year 2024 shall be \$203,281,051.

(b) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the Vermont State Teachers' Retirement System (VSTRS) shall be \$194,281,051 of which \$184,811,051 shall be the State's contribution and \$9,470,000 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944(c).

(c) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$34,825,673 is the "normal contribution," and \$159,455,378 is the "accrued liability contribution."

(d) In accordance with 16 V.S.A. § 1944(c)(13)(A), \$9,000,000 shall be contributed from the General Fund for a supplemental plus accrued liability contribution.

Sec. E.514.1 VERMONT STATE TEACHERS' RETIREMENT SYSTEM
AND VERMONT PENSION INVESTMENT COMMISSION;
OPERATING BUDGET, SOURCE OF FUNDS

(a) Of the \$3,448,255 appropriated in Sec. B.514.1 of this act, \$2,401,835 constitutes the Vermont State Teachers' Retirement System operating budget, and \$1,046,420 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to the Vermont State Teachers' Retirement System.

Sec. E.514.2 VERMONT STATE TEACHERS' RETIREMENT SYSTEM;
CALENDAR YEAR 2023–2024 SUPPLEMENTAL COST OF
LIVING PAYMENTS; INTENT; ACTUARIAL COST
ANALYSIS

(a) Intent. It is the intent of the General Assembly that:

(1) The maximum percentage value methodology set forth in 16 V.S.A. § 1949 that applies to the postretirement adjustment allowances for the Vermont State Teachers' Retirement System (VSTRS) shall be actuarially evaluated to determine the cost required to revert to the methodology used prior to the enactment of 2016 Acts and Resolves No. 114.

(2) The General Assembly further intends to make such a reversion by future legislative action amending 16 V.S.A. § 1949, provided that the present value of changes to the postretirement adjustment allowance methodology be fully funded at the time the change is made and not increase the unfunded liability in VSTRS.

(3) The General Assembly further intends that if the June 30, 2023, change in the Consumer Price Index exceeds the statutory maximum percentage values set forth in 16 V.S.A. § 1949 (b)(1), the General Assembly will provide a sufficient appropriation in the 2024 Budget Adjustment Act to make a one-time supplemental payment, similar in form to that described in subsection (b) of this section, to qualifying VSTRS retired members and beneficiaries in calendar year 2024.

(b) Calendar year 2023 supplemental payment. A one-time supplemental payment during calendar year 2023 shall be made to VSTRS retired members and beneficiaries who received a 2.5 percent postretirement adjustment allowance in an amount equal to the net difference between what members actually received in calendar year 2023 and what they would have received under a 3.8 percent postretirement adjustment allowance.

(c) Actuarial cost analysis. Following the completion of the next experience study, expected in fall 2023, the State Treasurer shall conduct an actuarial analysis to evaluate the cost of changing the current methodology for

calculating the postretirement adjustment allowance for the Vermont State Teachers' Retirement System to a methodology calculated by applying the maximum percentage values set forth in 16 V.S.A. § 1949(b)(1) to the postretirement adjustment allowance rather than applying the statutory maximum percentage values to the net percentage change in the Consumer Price Index. The actuarial analysis shall take into account any changes to actuarial assumptions that may occur following the experience study to be performed at the end of fiscal year 2023, as required by 16 V.S.A. § 1942.

(d) Report. Based on the actuarial cost analysis described in subsection (c) of this section, on or before January 15, 2024, the State Treasurer shall submit a report to the House and Senate Committees on Appropriations with an actuarial cost estimate for changing the VSTRS postretirement adjustment allowance methodology as set forth in subsection (c) of this section.

Sec. E.514.3 16 V.S.A. § 1944 is amended to read:

§ 1944. VERMONT TEACHERS' RETIREMENT FUND

(a) Pension Fund. All of the assets of the System shall be credited to the Vermont Teachers' Retirement Fund.

(b) Member contributions.

(1) Contributions deducted from the compensation of members shall be accumulated in the Pension Fund and separately recorded for each member.

(2) The proper authority or officer responsible for making up each employer payroll shall cause to be deducted from the compensation:

(A) Of each Group A member, five and one-half percent of the member's total earnable compensation, including compensation paid for absence as provided by subsection 1933(d) of this title.

(B) Of each Group C member, the following shall apply:

* * *

(ii) Beginning on July 1, 2023, a Group C member shall have the rate set forth in this subdivision (b)(2)(B)(ii) applied to the member's total earnable compensation for the fiscal year, which shall include compensation paid for absence as provided by subsection 1933(d) of this title, and any additional stipends identified as of July 1. A member's rate shall not be adjusted during the fiscal year unless the member's full-time equivalency status changes, which shall require that the member's rate be recalculated and the new rate applied for the remainder of that fiscal year. For a member who works a part-time equivalency status, the rate shall apply to the member's total earnable compensation and not to an amount equal to an annualized base

salary. If a member is employed on a part-time equivalency status with two or more employers, the highest rate shall be applied to the amounts deducted from each employer. A member's rate shall be calculated according to the following rates and income brackets:

* * *

(iii) ~~Beginning on July 1, 2024 and annually thereafter, a Group C member shall have an effective rate, rounded to the nearest hundredth of a percent, that is calculated based on the member's base salary as of July 1 each year, which equals the member's total earnable compensation, including compensation paid for absence as provided by subsection 1933(d) of this title, and any additional stipends identified as of July 1 for the next fiscal year. A member's effective rate shall not be adjusted during any fiscal year unless the member's full-time equivalency status changes, which shall require that the member's effective rate be recalculated and the new rate applied for the remainder of that fiscal year. For a member who works a part-time equivalency status, the effective rate shall apply to the member's total earnable compensation and not to an amount equal to an annualized base salary. If a member is employed on a part-time equivalency status with two or more employers, the highest effective rate shall be applied to the amounts deducted from each employer. Beginning on July 1, 2024, a Group C member shall have the rate set forth in this subdivision (b)(2)(B)(iii) applied to the member's total earnable compensation for the fiscal year, which shall include compensation paid for absence as provided by subsection 1933(d) of this title, and any additional stipends identified as of July 1. A member's rate shall not be adjusted during the fiscal year unless the member's full-time equivalency status changes, which shall require that the member's rate be recalculated and the new rate applied for the remainder of that fiscal year. For a member who works a part-time equivalency status, the rate shall apply to the member's total earnable compensation and not to an amount equal to an annualized base salary. If a member is employed on a part-time equivalency status with two or more employers, the highest rate shall be applied to the amounts deducted from each employer. A member's effective rate shall be calculated according to the following marginal rates and income brackets:~~

(I) if a member's base salary is at or below \$40,000.00, the rate is ~~6.25~~ 6.15 percent;

(II) if a member's base salary is \$40,000.01 or more but not more than \$60,000.00, the rate is ~~the equivalent of \$2,900.00 on \$40,000.00 and 6.75 percent of the member's salary that is \$40,000.01 or more~~ \$50,000.00, the rate is 6.20 percent;

(III) ~~if a member's base salary is \$60,000.01~~ \$50,000.01 or more but not more than ~~\$80,000.00~~ \$60,000.00, the rate is ~~the equivalent of \$3,850.00 on \$60,000.00 and 7.5 percent of the member's salary that is \$60,000.01 or more~~ 6.30 percent;

(IV) ~~if a member's base salary is \$80,000.01~~ \$60,000.01 or more but not more than ~~\$100,000.00~~ \$70,000.00, the rate is ~~the equivalent of \$5,350.00 on \$80,000.00 and 8.25 percent of the member's salary that is \$80,000.01 or more~~ 6.40 percent; and

(V) ~~if a member's base salary is \$100,000.01~~ \$70,000.01 or more but not more than ~~\$80,000.00~~, the rate is ~~the equivalent of \$7,000.00 on \$100,000.00 and 9.0 percent of the member's salary that is \$100,000.01 or more~~ 6.55 percent.

(VI) If a member's base salary is \$80,000.01 or more but not more than \$90,000.00, the rate is 6.80 percent.

(VII) If a member's base salary is \$90,000.01 or more but not more than \$100,000.00, the rate is 7.10 percent.

(VIII) If a member's base salary is \$100,000.01 or more, the rate is 7.35 percent.

Sec. E.515 RETIRED TEACHERS' HEALTH CARE AND MEDICAL BENEFITS

(a) In accordance with 16 V.S.A. § 1944b(b)(2), and 16 V.S.A. § 1944b(h)(1), the annual contribution to the Retired Teachers' Health and Medical Benefits plan shall be \$61,290,528, of which \$53,740,528 shall be the State's contribution and \$7,550,000 shall be from the annual charge for teacher health care contributed by employers pursuant to 16 V.S.A. §1944d. Of the annual contribution, \$17,589,046 is the "normal contribution," and \$43,701,482 is the "accrued liability contribution."

* * * Higher Education * * *

Sec. E.600 UNIVERSITY OF VERMONT

(a) The Commissioner of Finance and Management shall issue warrants to pay 1/12 of the appropriation in Sec. B.600 of this act to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to the Experimental Program to Stimulate Competitive Research (EPSCoR) to comply with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.602 VERMONT STATE COLLEGES

(a) The Commissioner of Finance and Management shall issue warrants to pay 1/12 of the appropriation in Sec. B.602 of this act to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont Manufacturing Extension Center to comply with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.603 VERMONT STATE COLLEGES – ALLIED HEALTH

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the General Fund or other State funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in Sec. B.603 of this act to support the dental hygiene, respiratory therapy, and nursing programs that graduate approximately 315 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries or uninsured or underinsured persons.

Sec. E.605 VERMONT STUDENT ASSISTANCE CORPORATION

(a) Of the appropriation in Sec. B.605 of this act, \$25,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation (VSAC) to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Of this appropriation, not more than \$300,000 may be used by VSAC for a student aspirational initiative to serve one or more high schools.

(c) Of the appropriated amount remaining after accounting for subsections (a) and (b) of this section, not less than 93 percent of this appropriation shall be used for direct student aid.

(d) Up to seven percent of the funds appropriated to VSAC in this act or otherwise currently or previously appropriated to VSAC or provided to VSAC by an agency or department of the State for the administration of a program or initiative may be used by VSAC for its costs of administration. VSAC may recoup its reasonable costs of collecting the forgivable loans in repayment. Funds shall not be used for indirect costs. To the extent these are federal funds, allocation for expenses associated with administering the funds shall be consistent with federal grant requirements.

(e) \$1,000,000 of the General Fund appropriation in Sec. B.605 of this act shall be used to continue operating the Vermont Trades Scholarship Program in accordance with 2022 Acts and Resolves No. 183, Sec. 14.

Sec. E.605.1 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND
EARLY COLLEGE STUDENTS

(a) Notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the sum of \$41,225 in education funds and \$41,225 in general funds is appropriated to the Vermont Student Assistance Corporation (VSAC) for dual enrollment and need-based stipend purposes to fund a flat-rate, need-based stipend or voucher program for financially needy students enrolled in a dual enrollment course pursuant to 16 V.S.A. § 944 or in early college pursuant to 16 V.S.A. § 946 to be used for the purchase of books, cost of transportation, and payment of fees. The Vermont Student Assistance Corporation shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis until funds are depleted.

(b) On or before January 15, 2024, the Vermont Student Assistance Corporation shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs.

Sec. E.700 3 V.S.A. § 6006 is amended to read:

* * *

(d) Membership.

* * *

(7) Members of the Advisory Council who are not State employees shall be entitled to per diem compensation and reimbursement of expenses for each day spent in the performance of their duties, as permitted under 32 V.S.A. § 1010. These payments shall be made from monies appropriated to the Agency of Natural Resources.

* * *

Sec. E.702 10 V.S.A. § 4829(a) is amended to read:

(a) A person engaged in the business of farming who suffers damage by deer to the person's crops, fruit trees, or crop-bearing plants on land not posted against the hunting of deer, or a person engaged in the business of farming who suffers damage by black bear to the person's cattle, sheep, swine, poultry, or bees or bee hives on land not posted against hunting or trapping of black bear is entitled to reimbursement for the damage up to an amount not to exceed \$5,000.00 per year, and may apply to the Department of Fish and Wildlife within 72 hours of the occurrence of the damage for reimbursement for the damage. As used in this section, "post" means any signage that would lead a reasonable person to believe that hunting is prohibited on the land.

* * *

Sec. E.811 LAND ACCESS AND OPPORTUNITY BOARD;
ATTACHMENT FOR ADMINISTRATION; REPORT

(a) On or before December 15, 2024, the Land Access and Opportunity Board shall submit a written report to the House Committees on Appropriations and on Government Operations and Military Affairs and the Senate Committees on Appropriations and on Government Operations regarding the appropriate State entity for the Board to be attached to for administrative purposes. The report shall, in consideration of the mission, powers, and duties of the Board, identify various State entities to which the Board could be attached for administrative purposes and shall examine the potential benefits and drawbacks of the Board being attached to each of the entities identified. The report shall consider the benefits and drawbacks of the Board continuing to be attached to the Vermont Housing and Conservation Board for administrative purposes.

Sec. E.900 TRANSPORTATION FUND RESERVE – REVERSIONS
EXCLUDED

(a) To calculate the fiscal year 2024 Transportation Fund Stabilization Reserve requirement of five percent of prior year appropriations, reversions of \$20,727,012 are excluded from the fiscal year 2023 total appropriations amount.

Sec. E.1000 2022 Acts and Resolves No. 83 Sec. 53(b)(5)(B), as amended by 2022 Acts and Resolves No. 185, Sec. C.102, is further amended to read:

(B) \$20,000,000 shall be appropriated to the State Treasurer's Office and used for redeeming State of Vermont general obligation bonds prior to maturity. ~~Notwithstanding 32 V.S.A. §1001b(e), beginning in fiscal year 2024, to the extent bonds are redeemed, an amount equal to the reduction in payments for debt service required resulting from any redemption shall be transferred and reserved in the Capital Expenditure Cash Fund, as establish in 32 V.S.A. §1001b created in Sec. E.106.1 of H.740 of 2022.~~

* * * Workforce and Economic Development Policies (H.484) * * *

Sec. F.1 TEACHER LICENSING FEES; SUSPENSION

(a) Notwithstanding any provision of law to the contrary, peer review process one-time licensure fee requirements under 16 V.S.A. § 1697(a)(7) are suspended during fiscal years 2024 through 2029.

(b) In fiscal year 2024, the estimated fees that would have been collected under 16 V.S.A. § 1697(a)(7) shall be accounted for through funds appropriated to the Agency of Education from the General Fund.

Sec. F.2 EDUCATOR WORKFORCE DIVERSITY

(a) Educator demographics. In order to understand and improve the longstanding and well-documented issue of underrepresentation in the Vermont educator workforce, including underrepresentation of Black, Indigenous, and Persons of Color; New Americans; and other historically underrepresented communities, the Agency of Education shall collect demographic information from educators and report such information in its annual teacher and staff full-time equivalencies report. The Agency shall submit the educator demographic information section of the report annually to the General Assembly on or before each January 15.

Sec. F.3 18 V.S.A. § 39 is added to read:

§ 39. VERMONT PSYCHIATRIC MENTAL HEALTH NURSE
PRACTITIONER FORGIVABLE LOAN INCENTIVE PROGRAM

(a) As used in this section:

(1) “Corporation” means the Vermont Student Assistance Corporation established in 16 V.S.A. § 2821.

(2) “Eligible individual” means an individual who satisfies the eligibility requirements under this section for a forgivable loan.

(3) “Eligible school” means an approved postsecondary education institution, as defined under 16 V.S.A. § 2822.

(4) “Forgivable loan” means a loan awarded under this section covering tuition, which may also cover room, board, and the cost of required books and supplies for up to full-time attendance at an eligible school.

(5) “Program” means the Vermont Psychiatric Mental Health Nurse Practitioner Forgivable Loan Incentive Program created under this section.

(b) The Vermont Psychiatric Mental Health Nurse Practitioner Forgivable Loan Incentive Program is created and shall be administered by the Corporation in collaboration with the Department of Health. The Program provides forgivable loans to students enrolled in a master’s program at an eligible school who commit to working as a psychiatric mental health nurse practitioner in this State and who meet the eligibility requirements in subsection (d) of this section.

(c) The Corporation shall disburse forgivable loan funds under the Program on behalf of eligible individuals, subject to the appropriation of funds by the General Assembly for this purpose.

(d) To be eligible for a forgivable loan under the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

(1) be enrolled at an eligible school in a program, whether through in-person or remote instruction, that leads to a master's degree or specialty in psychiatric mental health;

(2) maintain good standing at the eligible school at which the individual is enrolled;

(3) agree to work as a psychiatric mental health nurse practitioner in Vermont for a minimum of one year following licensure for each year of forgivable loan awarded;

(4) have executed a credit agreement or promissory note that will reduce the individual's forgivable loan benefit, in whole or in part, pursuant to subsection (f) of this section, if the individual fails to complete the period of service required in subdivision (3) of this subsection;

(5) have completed the Program's application form and the Free Application for Federal Student Aid (FAFSA), in accordance with a schedule determined by the Corporation; and

(6) have provided such other documentation as the Corporation may require.

(e) If an eligible individual fails to serve as a psychiatric mental health nurse practitioner in this State in compliance with the Program for a period that would entitle the individual to the full forgivable loan benefit received by the individual, other than for good cause as determined by the Corporation in consultation with the Vermont Department of Health, then the individual shall receive only partial loan forgiveness for a pro rata portion of the loan pursuant to the terms of the interest-free reimbursement promissory note signed by the individual at the time of entering the Program.

(f) The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section, including maximum forgivable loan amounts.

Sec. F.4 18 V.S.A. § 40 is added to read:

§ 40. VERMONT DENTAL HYGIENIST FORGIVABLE LOAN
INCENTIVE PROGRAM

(a) As used in this section:

(1) "Corporation" means the Vermont Student Assistance Corporation established in 16 V.S.A. § 2821.

(2) “Eligible individual” means an individual who satisfies the eligibility requirements under this section for a forgivable loan.

(3) “Eligible school” means an approved postsecondary education institution, as defined under 16 V.S.A. § 2822.

(4) “Forgivable loan” means a loan awarded under this section covering tuition, which may also include room, board, and the cost of required books and supplies for up to full-time attendance at an eligible school.

(5) “Program” means the Vermont Dental Hygienist Forgivable Loan Incentive Program created under this section.

(b) The Vermont Dental Hygienist Forgivable Loan Incentive Program is created and shall be administered by the Department of Health in collaboration with the Corporation. The Program provides forgivable loans to students enrolled in an eligible school who commit to working as a dental hygienist in this State and who meet the eligibility requirements in subsection (d) of this section.

(c) The Corporation shall disburse forgivable loan funds under the Program on behalf of eligible individuals, subject to the appropriation of funds by the General Assembly for this purpose.

(d) To be eligible for a forgivable loan under the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

(1) be enrolled at a dental hygienist program at an eligible school;

(2) maintain good standing at the eligible school at which the individual is enrolled;

(3) agree to work as a dental hygienist in Vermont for a minimum of one year following licensure for each year of forgivable loan awarded;

(4) have executed a credit agreement or promissory note that will reduce the individual’s forgivable loan benefit, in whole or in part, pursuant to subsection (g) of this section, if the individual fails to complete the period of service required in this subsection;

(5) have completed the Program’s application form, the Free Application for Federal Student Aid (FAFSA), and the Vermont grant application each academic year of enrollment in accordance with a schedule determined by the Corporation; and

(6) have provided such other documentation as the Corporation may require.

(e) If an eligible individual fails to serve as a dental hygienist in this State for a period that would entitle the individual to the full forgivable loan benefit received by the individual, other than for good cause as determined by the Corporation in consultation with the Vermont Department of Health, then the individual shall receive only partial loan forgiveness for a pro rata portion of the loan pursuant to the terms of the interest-free credit agreement or promissory note signed by the individual at the time of entering the Program.

(f) There shall be no deadline to apply for a forgivable loan under this section. Forgivable loans shall be awarded on a rolling basis as long as funds are available, and any funds remaining at the end of a fiscal year shall roll over and shall be available to the Department of Health and the Corporation in the following fiscal year to award additional forgivable loans as set forth in this section.

(g) The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section, including maximum forgivable loan amounts.

Sec. F.5 BROWNFIELDS FUNDING; USE IN FISCAL YEAR 2024

(a) The Department of Economic Development shall use the funds appropriated in Sec. B.1101(f)(4) of this act for brownfields redevelopment for the assessment, remediation, and redevelopment of brownfield sites to be used in the same manner as the Brownfields Revitalization Fund established by 10 V.S.A. § 6654 except, notwithstanding the grant limitations in 10 V.S.A. § 6654, projects supported by this appropriation shall not be limited to a maximum amount per site. The Agency of Commerce and Community Development shall award the amount of \$1,000,000 in fiscal year 2024 to regional planning commissions for the purposes of brownfields assessment. In awarding funds under this section, the Secretary, in consultation with the Vermont Association of Planning and Development Agencies, shall select one regional planning commission to administer these funds. To ensure statewide availability, the selected regional planning commission shall subgrant to regional planning commissions with brownfield programs, with not more than 10 percent of the funds being used for administrative purposes.

Sec. F.6 10 V.S.A. § 6654(e) is amended to read:

(e) A grant may be awarded by the Secretary of Commerce and Community Development with the approval of the Secretary of Natural Resources, provided that:

(1) A grant may not exceed \$50,000 for characterization and assessment of a site.

(2) A grant may not exceed ~~\$200,000~~ \$500,000 for remediation of a site.

(3) A grant may be used by an applicant to purchase environmental insurance relating to the performance of the characterization, assessment, or remediation of a Brownfield site in accordance with a corrective action plan approved by the Secretary of Natural Resources.

(4) Financial assistance may be provided to applicants by developing a risk sharing pool, an indemnity pool, or other insurance mechanism designed to help applicants.

(5) All reports generated by financial assistance from the Brownfield Revitalization Fund, including site assessments, site investigations, feasibility studies, corrective action plans, and completion reports shall be provided as hard copies to the Secretaries of Commerce and Community Development and of Natural Resources.

Sec. F.7 2021 Acts and Resolves No. 74, Sec. H.18, as amended by 2022 Acts and Resolves No. 183, Sec. 46, is further amended to read:

Sec. H.18. COMMUNITY RECOVERY AND REVITALIZATION
GRANT PROGRAM

* * *

(b) Eligible applicants.

(1) To be eligible for a grant, the applicant must be located within the State and:

(A)(i) the applicant is a for-profit entity with not less than a 10 percent equity interest in the project, or a nonprofit entity, which has documented financial impacts from the COVID-19 pandemic; or

(ii) intends to utilize the funds for an enumerated use as defined in the U.S. Treasury Final Rule for Coronavirus State and Fiscal Recovery Funds;

(B)(i) the applicant is a municipality;

(ii) the municipality needs to make infrastructure improvements to incentivize community development; and

(iii) the proposed infrastructure improvements and the projected development or redevelopment are compatible with confirmed municipal and regional development plans and the project has clear local significance for employment.

(2) The applicant must demonstrate:

- (A) community and regional support for the project;
- (B) that grant funding is needed to complete the project;
- (C) leveraging of additional sources of funding from local, State, or federal economic development programs; and
- (D) an ability to manage the project, with requisite experience and a plan for fiscal viability.

(3) The following are ineligible to apply for a grant:

- (A) ~~a State or local government-operated business [Repealed.]~~
- (B) a business that, together with any affiliated business, owns or operates more than 20 locations, regardless of whether those locations do business under the same name or within the same industry; and
- (C) a publicly traded company.

* * *

(k) Limited grants for operating support. Notwithstanding any provision of this section or guidelines adopted pursuant to this subsection (j) of this section to the contrary, the Secretary may award a grant of not more than \$1,000,000.00 for operating support to an applicant that:

- (1) is a nonprofit entity with a documented financial impact from the COVID-19 pandemic;
- (2) promotes community benefit through educational services, agriculture, or food security;
- (3) demonstrates a risk of losing at least 20 jobs if the operating support is not received; and
- (4) is located in a rural municipality with fewer than 2,000 residents.

* * *

Sec. F.8 RURAL INDUSTRY DEVELOPMENT GRANT PROGRAM

(a) Creation; purpose.

(1) A Rural Industry Development Grant Program is created within the Agency of Commerce and Community Development to provide grant funding through local development corporations for business relocation and expansion efforts, including the purchase, demolition, and renovation of property for industrial use.

(2)(A) To the extent funding is appropriated, the Agency shall make grants through the Program to assist local development corporations with business relocation and expansion efforts throughout Vermont.

(B) The Agency shall ensure an accounting of the respective State and Grantee shares of investment in any property be maintained to refund to the State an appropriate share of any net proceeds resulting from future sale or transfer of such property acquired or improved through a grant awarded under this program.

(b) Grant considerations. In making grant awards, the Agency shall consider:

(1) the real estate needs of growing and relocating businesses, including nonprofit organizations, in the applicant's region;

(2) the ability of the proposed project to meet the site-specific needs of businesses considering whether to expand or locate in this State;

(3) the funding that the applicant has identified, or secured, to leverage a grant award; and

(4) the readiness of an applicant to move a project forward.

(c) Eligible applicants; priority.

(1) To be eligible for a grant, an applicant must be a local development corporation, as defined in subdivision 212(10) of this title, located within this State.

(2) The Secretary of Commerce and Community Development may designate projects and agreements as first priority based on rural communities that continue to experience insufficient economic and grand list growth.

(d) Eligible activities. A grant recipient may use funding for the following:

(1) to purchase land for potential industrial use;

(2) for the costs of site development, permitting, or providing infrastructure for property the recipient owns;

(3) for the equity investment required for a loan transaction through the Vermont Economic Development Authority under 10 V.S.A. chapter 12, subchapter 3; or

(4) for the matching requirement of another State or federal grant consistent with this section.

(e) Application; market assessment.

(1) An applicant shall include in its application a local and regional market assessment that demonstrates reasonable need for the proposed development and identifies imminent, potential, or existing business growth opportunities.

(2) An applicant shall submit the following to demonstrate a readiness to begin and complete the proposed project:

(A) community and regional support for the project;

(B) that grant funding is needed to complete the proposed project;

(C) an ability to manage the project, with requisite experience and a plan for fiscal viability; and

(D) a description of the permitting required to proceed with the project and a plan for obtaining the permits.

(f) Awards; amount.

(1) An award shall not exceed the lesser of \$1,000,000 or 20 percent of the total project cost.

(2) A recipient may combine grant funds with funding from other sources.

(3) The Agency shall release grant funds upon determining that the applicant has met all application conditions and requirements.

(4) A grant recipient may apply for additional grant funds if future amounts are appropriated for the Program and the funds are for a separate but eligible use.

(g) Deed restrictions; property sales. The Agency shall include deed restrictions that require the return of the principal amount to the state and may require the payment of a percentage of the sales profit.

Sec. F.9 24 V.S.A. § 2799 is amended to read:

§ 2799. BETTER PLACES PROGRAM; CROWD GRANTING

(a)(1) There is created the Better Places Program within the Department of Housing and Community Development, and the Better Places Fund, which the Department shall manage pursuant to 32 V.S.A. chapter 7, subchapter 5.

(2) The purpose of the Program is to utilize crowdfunding to spark community revitalization through collaborative grantmaking for projects that create, activate, or revitalize public spaces.

(3) The Department may administer the Program in coordination with and support from other State agencies and nonprofit and philanthropic partners.

(b) The Fund is composed of the following:

- (1) State or federal funds appropriated by the General Assembly;
- (2) gifts, grants, or other contributions to the Fund; and
- (3) any interest earned by the Fund.

(c) As used in this section, “public space” means an area or place that is open and accessible to all people with no charge for admission and includes village greens, squares, parks, community centers, town halls, libraries, and other publicly accessible buildings and connecting spaces such as sidewalks, streets, alleys, and trails.

(d)(1) The Department of Housing and Community Development shall establish an application process, eligibility criteria, and criteria for prioritizing assistance for awarding grants through the Program.

(2) The Department may award a grant to a municipality, a nonprofit organization, or a community group with a fiscal sponsor for a project that is located in or serves a designated downtown, village center, new town center, or neighborhood development area that will create a new public space or revitalize or activate an existing public space.

(3) The Department may award a grant to not more than ~~one project~~ three projects per calendar year within a municipality.

(4) The minimum amount of a grant award is \$5,000, and the maximum amount of a grant award is \$40,000.

(5) The Department shall develop matching grant eligibility requirements to ensure a broad base of community and financial support for the project, subject to the following:

(A) A project shall include in-kind support and matching funds raised through a crowdfunding approach that includes multiple donors.

(B) An applicant may not donate to its own crowdfunding campaign.

(C) A donor may not contribute more than \$10,000 or 35 percent of the campaign goal, whichever is less.

(D) An applicant shall provide matching funds raised through crowdfunding of not less than 33 percent of the grant award.

(e) The Department of Housing and Community Development, with the assistance of a fiscal agent, shall distribute funds under this section in a

manner that provides funding for projects of various sizes in as many geographical areas of the State as possible.

(f) The Department of Housing and Community Development may use up to 15 percent of any appropriation to the Fund from the General Fund to assist with crowdfunding, administration, training, and technological needs of the Program.

Sec. F.10 24 V.S.A. § 2792(d) is amended to read:

(d) The Department shall provide staff and administrative support to the State Board ~~and~~, shall produce guidelines to direct municipalities seeking to obtain designation under this chapter, and shall pay per diem compensation for board members pursuant to 32 V.S.A. § 1010(b).

Sec. F.11 24 V.S.A. § 2793(b) is amended to read:

(b) ~~Within 45 days of receipt of a completed application~~ At the first meeting of the State Board held after 45 days of receipt of a completed application, the State Board shall designate a downtown development district if the State Board finds in its written decision that the municipality has:

* * *

Sec. F.12 24 V.S.A. § 2793a(b) is amended to read:

(b) ~~Within 45 days of receipt of a completed application~~ At the first meeting of the State Board held after 45 days of receipt of a completed application, the State Board shall designate a village center if the State Board finds the applicant has met the requirements of subsection (a) of this section.

Sec. F.13 24 V.S.A. § 2793b(b) is amended to read:

(b) ~~Within 45 days of receipt of a completed application~~ At the first meeting of the State Board held after 45 days of receipt of a completed application, the State Board shall designate a new town center development district if the State Board finds, with respect to that district, the municipality has:

* * *

Sec. F.14 24 V.S.A. § 2793e(d) is amended to read:

(d) ~~Within 45 days of receipt of a completed application~~ Upon the first meeting of the State Board held after 45 days of receipt of a completed application, for designation of a neighborhood development area, the State Board, after opportunity for public comment, shall approve a neighborhood development area if the Board determines that the applicant has met the requirements of this section.

Sec. F.15 2018 Acts and Resolves No. 196, Sec. 1, as amended by 2019 Acts and Resolves No. 80, Sec. 13, is further amended to read:

Sec. 1. SIMPLIFYING GOVERNMENT FOR SMALL BUSINESSES

(a) The Secretary of ~~State~~ Digital Services shall serve as the chair of a steering committee, composed of the Secretary of State, the Secretary of Commerce and Community Development, the Secretary of Administration, and the Secretary of Digital Services or their designees.

(b) ~~The Secretary of State, in collaboration with the steering committee, and in collaboration with other State agencies and departments and interested stakeholders as necessary, shall:~~

(1) review and consider the necessary procedural and substantive steps to enhance the Secretary of State's one-stop business portal for businesses, entrepreneurs, and citizens to provide information about starting and operating a business in Vermont; and

(2) submit on or before December 15, ~~2019~~ 2023:

(A) a design proposal that includes a project scope, timeline, roadmap, and cost projections;

(B) any statutory or regulatory changes needed to implement the proposal; and

(C) a sustainable funding model for the portal.

(c) The steering committee shall evaluate the cost and efficacy, and integrate into the current one-stop portal to the extent feasible, features that:

(1) enhance State websites to simplify registrations and provide a ~~clear~~ comprehensive, one-stop compilation of other State business requirements, including permits and licenses;

(2) implement a data collection component that offers the registrant the option to self-identify, and make available to the public through the business search function, demographic information concerning ownership of the business, including whether the business is woman-owned, veteran-owned, BIPOC-owned, LGBTQ-owned, or minority-owned;

(3) simplify the mechanism for making payments to the State by allowing a person to pay amounts ~~he or she~~ the person owes to the State for taxes, fees, or other charges to a single recipient within State government;

~~(3)~~(4) simplify annual filing requirements by allowing a person to make a single filing to a single recipient within State government and check a box if nothing substantive has changed from the prior year;

~~(4)~~(5) provide guidance, assistance with navigation, and other support to persons who are forming or operating a small business;

~~(5)~~(6) after registration, provide information about additional and ongoing State requirements and a point of contact to discuss questions or explore any assistance needed;

~~(6)~~(7) provide guidance and information about State and federal programs and initiatives, as well as State partner organizations and Vermont-based businesses of interest; and

~~(7)~~(8) map communication channels for project updates, including digital channels such as e-mail, social media, and other communications.

(d) All State agencies and departments shall designate a single employee or team of employees who are charged with the duty to provide assistance to the steering committee upon its request.

(e) The steering committee shall focus its review on providing services through the one-stop business portal primarily for the benefit of businesses with 20 or fewer employees.

(f) The Agency of Digital Services shall assign a project manager or business analyst to report directly to the Secretary of State to assist with the implementation of this act through June 30, 2020 2025 for the purpose of developing and implementing a one-stop navigable portal for businesses, entrepreneurs, and citizens to access information about starting a business in Vermont, and to provide ongoing support to businesses interfacing with State government.

Sec. F.16 DEPARTMENT OF CORRECTIONS PROFESSIONAL DEVELOPMENT; INTENT; CONTRACT

(a) It is the intent of the General Assembly to assist the Department of Corrections to continue and further engage in a professional development initiative to enhance supervisory effectiveness and strengthen leadership development within the Department and among its employees. The Department's enhanced supervisory training is part of its effort to address an employee workforce crisis and strengthen workplace satisfaction.

(b) The Department of Corrections shall contract or expand an existing contract with a vendor to provide supervisory and management professional development services to the Department and among its employees.

(c) On or before March 15, 2024, the Department and the contracted vendor shall testify before the General Assembly about the progress and effectiveness of its professional development initiative. The Department shall make management, supervisory, and frontline staff available to testify.

* * * Department of Motor Vehicles Fees and Motor Vehicle Purchase and Use
Tax * * *

* * * Enhanced Driver's License * * *

Sec. G.100 23 V.S.A. § 7 is amended to read:

§ 7. ENHANCED DRIVER'S LICENSE; MAINTENANCE OF DATABASE
INFORMATION; FEE

* * *

(d) The fee for an enhanced license shall be ~~\$30.00~~ \$36.00 in addition to the fees otherwise established by this title.

* * *

* * * Department of Motor Vehicles; Miscellaneous Transactions * * *

Sec. G.101 23 V.S.A. § 114 is amended to read:

§ 114. FEES

(a) The Commissioner shall be paid the following fees for miscellaneous transactions:

(1) Listings of 1 through 4 registrations	\$8.00 <u>\$10.00</u>
(2) Certified copy of registration application	\$8.00 <u>\$10.00</u>
(3) Sample plates	\$18.00 <u>\$22.00</u>
(4) Lists of registered dealers, transporters, periodic inspection stations, fuel dealers, and distributors, including gallonage sold or delivered and rental vehicle companies	\$8.00 <u>\$10.00</u> per page
(5) [Repealed.]	
(6) Periodic inspection sticker record	\$8.00 <u>\$10.00</u>
(7) Certified copy individual crash report	\$12.00 <u>\$15.00</u>
(8) Certified copy police crash report	\$18.00 <u>\$22.00</u>
(9) Certified copy suspension notice	\$8.00 <u>\$10.00</u>
(10) Certified copy mail receipt	\$8.00 <u>\$10.00</u>
(11) Certified copy proof of mailing	\$8.00 <u>\$10.00</u>
(12) Certified copy reinstatement notice	\$8.00 <u>\$10.00</u>
(13) Certified copy operator's license application	\$8.00 <u>\$10.00</u>
(14) Certified copy three-year operating record	\$14.00 <u>\$17.00</u>

(15) [Repealed.]	
(16) Government official photo identification card	\$6.00 <u>\$8.00</u>
(17) Listing of operator's licenses of 1 through 4	\$8.00 <u>\$10.00</u>
(18) Statistics and research	\$42.00 <u>\$51.00</u> per hour
(19) Insurance information on crash	\$8.00 <u>\$10.00</u>
(20) Certified copy complete operating record	\$20.00 <u>\$24.00</u>
(21) Records not otherwise specified	\$8.00 <u>\$10.00</u> per page
(22) Public records request for Department records requiring custom computer programming	\$100.00 per hour, but not less than \$500.00
(23) Public records request for Department records requiring custom computer programming (updated)	\$119.00 <u>\$143.00</u>

* * *

Sec. G.102. 23 V.S.A. § 115 is amended to read:

§ 115. NONDRIVER IDENTIFICATION CARDS

(a) Any Vermont resident may make application to the Commissioner and be issued an identification card that is attested by the Commissioner as to true name, correct age, residential address unless the listing of another address is requested by the applicant or is otherwise authorized by law, and any other identifying data as the Commissioner may require that shall include, in the case of minor applicants, the written consent of the applicant's parent, guardian, or other person standing in loco parentis. Every application for an identification card shall be signed by the applicant and shall contain such evidence of age and identity as the Commissioner may require, consistent with subsection (1) of this section. New and renewal application forms shall include a space for the applicant to request that a "veteran" designation be placed on the applicant's identification card. If a veteran, as defined in 38 U.S.C. § 101(2), requests a veteran designation and provides a Department of Defense Form 214 or other proof of veteran status specified by the Commissioner, and the Office of Veterans Affairs confirms the veteran's status as an honorably discharged veteran or a veteran discharged under honorable conditions, the identification card shall include the term "veteran" on its face. The Commissioner shall require payment of a fee of ~~\$24.00~~ \$29.00 at the time application for an identification card is made, except that an initial nondriver identification card shall be issued at no charge to an individual who surrenders ~~his or her~~ the individual's license in connection with a suspension or

revocation under subsection 636(b) of this title due to a physical or mental condition.

(b) Every identification card shall expire, unless earlier canceled, at 12:00 midnight on the eve of the fourth anniversary of the date of birth of the cardholder following the date of original issue, and may be renewed every four years upon payment of a ~~\$24.00~~ \$29.00 fee. A renewed identification card shall expire, unless earlier canceled, at 12:00 midnight on the eve of the fourth anniversary of the date of birth of the cardholder following the expiration of the card being renewed. At least 30 days before an identification card will expire, the Commissioner shall mail first-class to the cardholder or send the cardholder electronically an application to renew the identification card; a cardholder shall be sent the renewal notice by mail unless the cardholder opts in to receive electronic notification. An individual born on February 29 shall, for the purposes of this section, be considered as born on March 1.

(c) In the event an identification card is lost, destroyed, mutilated, or a new name is acquired, a replacement may be obtained upon furnishing satisfactory proof to the Commissioner and paying a ~~\$20.00~~ \$24.00 fee.

* * *

* * * Registration; General Provisions * * *

Sec. G.103 23 V.S.A. § 304 is amended to read:

§ 304. REGISTRATION CERTIFICATES; NUMBER PLATES; VANITY
AND OTHER SPECIAL PLATES

* * *

(b) The authority to issue vanity motor vehicle number plates or special number plates for safety organizations and service organizations shall reside with the Commissioner. Determination of compliance with the criteria contained in this section shall be within the discretion of the Commissioner. Series of number plates for safety and service organizations that are authorized by the Commissioner shall be issued in order of approval, subject to the operating considerations in the Department as determined by the Commissioner. The Commissioner shall issue vanity and special organization number plates in the following manner:

(1) Vanity plates. Subject to the restrictions of this section, vanity plates shall be issued at the request of the registrant of a motor vehicle unless the vehicle is registered under the International Registration Plan, upon application and upon payment of an annual fee of ~~\$48.00~~ \$58.00 in addition to the annual fee for registration. The Commissioner shall not issue two sets of plates bearing the same initials or letters unless the plates also contain a

distinguishing number. Vanity plates are subject to reassignment if not renewed within 60 days of expiration of the registration.

(2) Special organization plates.

* * *

(B) The officer of a safety organization or service organization may apply to the Commissioner to approve special plates indicating membership in a qualifying organization to be issued to organization members for a ~~\$17.00~~ \$21.00 special fee for each set of plates in addition to the annual fee for registration. The application shall include designation of an officer or member to serve as the principal contact with the Department and a distinctive name or emblem, or both, for use on the proposed special plate. The name and emblem shall not be objectively obscene or confusing to the general public and shall not promote, advertise, or endorse a product, brand, or service provided for sale. The organization's name and emblem must not infringe on or violate a trademark, trade name, service mark, copyright, or other proprietary or property right, and the organization must have the right to use the name and emblem. After consulting with the principal contact, the Commissioner shall determine the design of the special plate on the basis that the primary purpose of motor vehicle number plates is vehicle identification. An organization may have only one design, regardless of the number of individual organizational units, squads, or departments within the State that may conduct the same or substantially similar activities.

(C) After the plate design is finalized and an officer or the principal contact provides the Commissioner a written statement authorizing issuance of the plates, the organization shall deposit ~~\$2,200.00~~ \$2,600.00 with the Commissioner. Of this deposit, \$500.00 shall be retained by the Department to recover costs of developing the organization plate. Notwithstanding 32 V.S.A. § 502, the Commissioner may charge the actual costs of production of the plates against the fees collected and the balance shall be deposited in the Transportation Fund. Upon application, special plates shall be issued to a registrant of a vehicle registered at the pleasure car rate or of a truck registered for less than 26,001 pounds (but excluding trucks registered under the International Registration Plan) who furnishes the Commissioner satisfactory proof that ~~he or she~~ the registrant is a member of an organization that has satisfied the requirements of this subdivision (b)(2). For each of the first 100 applicants to whom sets of plates are issued, the ~~\$17.00~~ \$21.00 special plate fee shall not be collected and shall be subtracted from the balance of the deposit. When the ~~\$1,700.00~~ \$2,100.00 balance of the deposit is depleted, applicants shall be required to pay the ~~\$17.00~~ \$21.00 fee as provided for in subdivision (2)(B) of this subsection. No organization shall charge its

members any additional fee or premium charge for the authorization, right, or privilege to display special number plates, but any organization may recover up to ~~\$1,700.00~~ \$2,100.00 from applicants for the special plates.

* * *

(f) Upon the request of a registrant of a motor vehicle with the previous issue number plates, the Commissioner shall issue current issue number plates bearing the same number as shown on the previous issue plates that are being replaced. The initial one-time fee for the plates shall be ~~\$24.00~~ \$29.00 in addition to the regular registration fee. Official plates and plates with numbers of 9999 or lower are specifically exempted.

* * *

Sec. G.104 23 V.S.A. § 304b is amended to read:

§ 304b. CONSERVATION MOTOR VEHICLE REGISTRATION PLATES

(a) The Commissioner shall, upon application, issue conservation registration plates for use only on vehicles registered at the pleasure car rate, on trucks registered for less than 26,001 pounds, and on vehicles registered to State agencies under section 376 of this title, but excluding vehicles registered under the International Registration Plan. Plates so acquired shall be mounted on the front and rear of the vehicle. The Commissioners of Motor Vehicles and of Fish and Wildlife shall determine the graphic design of the special plates in a manner that serves to enhance the public awareness of the State's interest in restoring and protecting its wildlife and major watershed areas. The Commissioners of Motor Vehicles and of Fish and Wildlife may alter the graphic design of these special plates, provided that plates in use at the time of a design alteration shall remain valid subject to the operator's payment of the annual registration fee. Applicants shall apply on forms prescribed by the Commissioner and shall pay an initial fee of ~~\$26.00~~ \$32.00 in addition to the annual fee for registration. In following years, in addition to the annual registration fee, the holder of a conservation plate shall pay a renewal fee of ~~\$26.00~~ \$32.00. The Commissioner may adopt rules under 3 V.S.A. chapter 25 to implement the provisions of this subsection.

* * *

Sec. G.105 23 V.S.A. § 304c is amended to read:

§ 304c. MOTOR VEHICLE REGISTRATION PLATES: BUILDING
BRIGHT SPACES FOR BRIGHT FUTURES FUND

(a) The Commissioner shall, upon application, issue "Building Bright Spaces for Bright Futures Fund," referred to as "the Bright Futures Fund," registration plates for use only on vehicles registered at the pleasure car rate,

on trucks registered for less than 26,001 pounds, on vehicles registered to State agencies under section 376 of this title, and excluding vehicles registered under the International Registration Plan. Plates so acquired shall be mounted on the front and rear of the vehicle. The Commissioner of Motor Vehicles shall utilize the graphic design recommended by the Commissioner for Children and Families for the special plates to enhance the public awareness of the State's interest in supporting children's services. Applicants shall apply on forms prescribed by the Commissioner of Motor Vehicles and shall pay an initial fee of ~~\$24.00~~ \$29.00 in addition to the annual fee for registration. In following years, in addition to the annual registration fee, the holder of a Bright Futures Fund plate shall pay a renewal fee of ~~\$24.00~~ \$29.00. The Commissioner of Motor Vehicles shall adopt rules under 3 V.S.A. chapter 25 to implement the provisions of this subsection.

* * *

Sec. G.106 23 V.S.A. § 307 is amended to read:

§ 307. CARRYING OF REGISTRATION CERTIFICATE; REPLACEMENT AND CORRECTED CERTIFICATES

* * *

(b) In case of the loss, mutilation, or destruction of a certificate, the owner of the vehicle described in it shall forthwith notify the Commissioner and remit a fee of ~~\$16.00~~ \$20.00, upon receipt of which the Commissioner shall furnish the owner with a duplicate certificate.

(c) A corrected registration certificate shall be furnished by the Commissioner upon request and receipt of a fee of ~~\$16.00~~ \$20.00.

(d) 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.

Sec. G.107 23 V.S.A. § 323 is amended to read:

§ 323. TRANSFER FEES

A person who transfers the ownership of a registered motor vehicle to another, upon the filing of a new application and upon the payment of a fee of ~~\$25.00~~ \$30.00, may have registered in ~~his or her~~ the person's name another motor vehicle for the remainder of the registration period without payment of any additional registration fee, provided the proper registration fee of the motor vehicle sought to be registered is the same as the registration fee of the

transferred motor vehicle. However, if the proper registration fee of the motor vehicle sought to be registered by such person is greater than the registration fee of the transferred motor vehicle, the applicant shall pay, in addition to such fee of ~~\$25.00~~ \$30.00, the difference between the registration fee of the motor vehicle previously registered and the proper fee for the registration of the motor vehicle sought to be registered.

* * * Registration; Fees and Exemptions * * *

Sec. G.108 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~~, as defined in subdivision 4(28) of this title, and all vehicles powered by electricity, shall be ~~\$74.00~~ \$89.00, and the biennial fee shall be ~~\$136.00~~ \$163.00.

Sec. G.109 23 V.S.A. § 364 is amended to read:

§ 364. MOTORCYCLES

The annual fee for registration of a motorcycle, with or without sidecar, shall be ~~\$46.00~~ \$56.00.

Sec. G.110 23 V.S.A. § 364a is amended to read:

§ 364a. MOTOR-DRIVEN CYCLES: REGISTRATION; FINANCIAL RESPONSIBILITY

(a) The annual fee for registration of a motor-driven cycle shall be ~~\$28.00~~ \$34.00.

* * *

Sec. G.111 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~~ \$32.00.

* * *

Sec. G.112 23 V.S.A. § 367 is amended to read:

§ 367. TRUCKS

(a)(1) The annual fee for registration of tractors, truck-tractors, or motor trucks except truck cranes, truck shovels, road oilers, bituminous distributors, and farm trucks used as specified in subsection (f) of this section shall be

based on the total weight of the truck-tractor or motor truck, including body and cab plus the heaviest load to be carried. In computing the fees for registration of tractors, truck-tractors, or motor trucks with trailers or semi-trailers attached, except trailers or semi-trailers with a gross weight of less than 6,000 pounds, the fee shall be based upon the weight of the tractor, truck-tractor, or motor truck, the weight of the trailer or semi-trailer, and the weight of the heaviest load to be carried by the combined vehicles. In addition to the fee set out in the following schedule, the fee for vehicles weighing between 10,000 and 25,999 pounds inclusive shall be an additional ~~\$35.50~~ \$42.53, the fee for vehicles weighing between 26,000 and 39,999 pounds inclusive shall be an additional ~~\$70.98~~ \$85.03, the fee for vehicles weighing between 40,000 and 59,999 pounds inclusive shall be an additional ~~\$248.48~~ \$297.68, and the fee for vehicles 60,000 pounds and over shall be an additional ~~\$390.48~~ \$467.80. The fee shall be computed at the following rates per 1,000 pounds of weight determined pursuant to this subdivision and rounded up to the nearest whole dollar; the minimum fee for registering a tractor, truck-tractor, or motor truck to 6,000 pounds shall be the same as for the pleasure car type:

~~\$15.20~~ \$18.21 when the weight exceeds 6,000 pounds but does not exceed 8,000 pounds.

~~\$17.39~~ \$20.83 when the weight exceeds 8,000 pounds but does not exceed 12,000 pounds.

~~\$19.17~~ \$22.97 when the weight exceeds 12,000 pounds but does not exceed 16,000 pounds.

~~\$20.50~~ \$24.56 when the weight exceeds 16,000 pounds but does not exceed 20,000 pounds.

~~\$21.46~~ \$25.71 when the weight exceeds 20,000 pounds but does not exceed 30,000 pounds.

~~\$21.92~~ \$26.26 when the weight exceeds 30,000 pounds but does not exceed 40,000 pounds.

~~\$22.45~~ \$26.90 when the weight exceeds 40,000 pounds but does not exceed 50,000 pounds.

~~\$22.65~~ \$27.13 when the weight exceeds 50,000 pounds but does not exceed 60,000 pounds.

~~\$23.42~~ \$28.06 when the weight exceeds 60,000 pounds but does not exceed 70,000 pounds.

~~\$24.21~~ \$29.00 when the weight exceeds 70,000 pounds but does not exceed 80,000 pounds.

~~\$24.99~~ \$29.94 when the weight exceeds 80,000 pounds but does not exceed 90,000 pounds.

* * *

(b) The annual fee for registration of a category I special purpose vehicle shall be ~~\$178.00~~ \$214.00, and the annual fee for a category II special purpose vehicle shall be ~~\$415.00~~ \$498.00.

* * *

Sec. G.113 23 V.S.A. § 371 is amended to read:

§ 371. TRAILER AND SEMI-TRAILER

(a)(1) The one-year and two-year fees for registration of a trailer or semi-trailer, except a contractor's trailer or farm trailer, shall be as follows:

(A) ~~\$27.00~~ \$33.00 and ~~\$51.00~~ \$62.00, respectively, when such trailer or semi-trailer has a gross weight of trailer and load of 1,500 pounds or less;

(B) ~~\$52.00~~ \$63.00 and ~~\$102.00~~ \$123.00, respectively, when such trailer or semi-trailer has a gross weight of trailer and load of more than 1,500 pounds and is drawn by a vehicle of the pleasure car type;

(C) ~~\$52.00~~ \$63.00 and ~~\$102.00~~ \$123.00, respectively, when such trailer or semi-trailer is drawn by a motor truck or tractor, when such trailer or semi-trailer has a gross weight of more than 1,500 pounds but less than 3,000 pounds;

(D) ~~\$52.00~~ \$63.00 and ~~\$102.00~~ \$123.00, respectively, when such trailer or semi-trailer is used in combination with a truck-tractor or motor truck registered at the fee provided for combined vehicles under section 367 of this title. Excepting for the fees, the provisions of this subdivision shall not apply to trailer coaches as defined in section 4 of this title nor to modular homes being transported by trailer or semi-trailer.

(2) The one-year and two-year fees for registration of a contractor's trailer shall be ~~\$197.00~~ \$237.00 and ~~\$394.00~~ \$473.00, respectively.

* * *

Sec. G.114 23 V.S.A. § 372 is amended to read:

§ 372. MOTOR BUS

The annual fee for registration of a motor bus shall be based on the actual weight of such bus, plus passenger carrying capacity at 150 pounds per person, and shall be ~~\$2.00~~ \$2.40 per 100 pounds of such weight, except for motor buses registered under section 372a or 376 of this title. Fractions of a

hundred-weight shall be disregarded. The minimum fee for the registration of any motor bus shall be \$43.00.

Sec. G.115 23 V.S.A. § 372a is amended to read:

§ 372a. LOCAL TRANSIT PUBLIC TRANSPORTATION SERVICE

(a) The annual registration fee for any motor bus used in local transit or public transportation service shall be ~~\$62.00~~ \$75.00, except for those vehicles owned by a municipality for such service that are subject to the provisions of section 376 of this title. In the event a bus registered for local transit or public transportation service is subsequently registered for general use during the same registration year, such fee shall be applied toward the fee for general registration.

* * *

Sec. G.116 23 V.S.A. § 373 is amended to read:

§ 373. EXHIBITION VEHICLES; YEAR OF MANUFACTURE PLATES

(a) The annual fee for the registration of a motor vehicle that is maintained for use in exhibitions, club activities, parades, and other functions of public interest and that is not used for general daily transportation of passengers or property on any highway shall be ~~\$21.00~~ \$26.00, in lieu of fees otherwise provided by law. Permitted use shall include:

* * *

Sec. G.117 23 V.S.A. § 376 is amended to read:

§ 376. STATE, MUNICIPAL, FIRE DEPARTMENT, AND RESCUE ORGANIZATION MOTOR VEHICLES

* * *

(b) The fee for registration of a motor vehicle owned by any municipality in this State and used entirely by it or any other municipality for municipal purposes shall be ~~\$12.00~~ \$15.00 in lieu of fees otherwise specified in this chapter. ~~As used in~~ For purposes of this subsection, the term municipality shall include county-owned vehicles. The Commissioner shall issue specially designed registration plates for county-owned sheriffs' departments' vehicles.

(c) The registration fee for registration of a motor truck, trailer, ambulance, or other motor vehicle, owned by a volunteer fire department or other volunteer ~~fire-fighting~~ firefighting organization or other organization conducting rescue operations and used solely for fire fighting or rescue purposes shall be ~~\$12.00~~ \$15.00 in lieu of fees otherwise specified in this

chapter. A motor vehicle or trailer registered under this section shall be plainly marked on both sides of the body or cab to indicate its ownership.

* * *

(f) A replacement registration plate shall be provided by the Commissioner upon the payment of a fee of ~~\$9.00~~ \$11.00.

(g)(1) The fee for registration of a motor vehicle obtained from the government as excess government property, or a vehicle purchased with 100 percent federal funds and used for federally supported local programs, shall be \$14.00, in lieu of fees otherwise specified in this chapter. The Commissioner shall determine the eligibility as to whether or not the motor vehicle qualifies for this registration and ownership of the vehicle shall be plainly marked on both sides of the body or cab.

* * *

Sec. G.118 23 V.S.A. § 382 is amended to read:

§ 382. DIESEL-POWERED PLEASURE CARS

Notwithstanding any other provision of law, the annual registration fee for a pleasure car or tractor, truck-tractor, or motor truck up to 6,000 pounds powered by fuel as defined in section 3002 of this title shall be ~~\$74.00~~ \$89.00, and the biennial fee shall be ~~\$136.00~~ \$163.00.

* * * Registration; Registration of Dealers and Transporters * * *

Sec. G.119 23 V.S.A. § 453 is amended to read:

§ 453. FEES AND NUMBER PLATES

(a)(1) An application for registration as a dealer in new or used cars or motor trucks shall be accompanied by a fee of ~~\$503.00~~ \$603.00 for each certificate issued in such dealer's name. The Commissioner shall furnish free of charge with each dealer's registration certificate three number plates showing the distinguishing number assigned such dealer. The Commissioner may furnish additional plates according to the volume of the dealer's sales in the prior year or, in the case of an initial registration, according to the dealer's reasonable estimate of expected sales, as follows:

* * *

(2) If the issuance of additional plates is authorized under subdivision (1) of this subsection, up to two plates shall be provided free of charge, and the Commissioner shall collect ~~\$55.00~~ \$66.00 for each additional plate thereafter.

(b) Application by a "dealer in farm tractors or other self-propelled farm implements," which shall mean a person actively engaged in the business of

selling or exchanging new or used farm tractors or other self-propelled farm implements, for such dealer registration shall annually be accompanied by a fee of ~~\$78.00~~ \$94.00. The Commissioner shall furnish free of charge with each such dealer registration certificate two sets of number plates showing the distinguishing number assigned such dealer and in ~~his or her~~ the Commissioner's discretion may furnish further sets of plates at a fee of \$12.00 per set; such number plates may, however, be displayed only upon a farm tractor or other self-propelled farm implement.

(c) Application by a "dealer in motorized highway building equipment and road making appliances," which shall mean a person actively engaged in the business of selling or exchanging new or used motorized highway building equipment or road making appliances, for such dealer registration shall annually be accompanied by a fee of ~~\$123.00~~ \$148.00. The Commissioner shall furnish free of charge with each such dealer registration certificate two sets of number plates showing the distinguishing number assigned such dealer and in ~~his or her~~ the Commissioner's discretion may furnish further sets of plates at a fee of \$30.00 per set; such number plates may, however, be displayed only upon motorized highway building equipment or road making appliances.

(d) If a dealer is engaged only in the business of selling or exchanging motorcycles or motor-driven cycles, the registration fee shall be ~~\$62.00~~ \$75.00, which shall include three number plates. The Commissioner may, in ~~his or her~~ the Commissioner's discretion, furnish further sets of plates at a fee of \$10.00 for each set.

(e) If a dealer is engaged only in the business of selling or exchanging trailers, semi-trailers, or trailer coaches, the registration fee shall be ~~\$123.00~~ \$148.00, which shall include three number plates; such number plates may, however, be displayed only upon a trailer, semi-trailer, or trailer coach. The Commissioner may, in ~~his or her~~ the Commissioner's discretion, furnish further plates at a fee of \$10.00 for each such plate.

* * *

Sec. G.120 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~~ \$6.00 for each temporary plate issued.

Sec. G.121 23 V.S.A. § 463 is amended to read:

§ 463. SALE OF VEHICLE TO GO OUT OF STATE

A registered motor vehicle dealer is authorized to issue an in-transit registration permit for the purpose of movement over the highways of certain motor vehicles otherwise required to be registered when these vehicles are sold in this State to be transported to and registered in another state or province. The Commissioner of Motor Vehicles shall, upon request, provide registered motor vehicle dealers with such numbers of applications and special in-transit number plates for vehicles sold in this State to be transported to and registered in another state or province as shall be necessary. The Commissioner is authorized to charge a fee of ~~\$6.00~~ \$8.00 for the processing of the plate application and the issuance of the plate. The dealer, upon the sale of a motor vehicle to be transported to and registered in another state or province, shall cause the application to be filled out and transmitted to the Commissioner and shall attach to the vehicle the in-transit number plate corresponding to the application. No registered motor vehicle dealer shall sell, exchange, give, or transfer any application or in-transit plate to any person other than the person to whom the dealer sells or exchanges a motor vehicle to be registered in another state or province. The application shall be in a form prescribed and furnished by the Commissioner. The special in-transit number plate to be attached to the vehicle will be issued in the form and design as prescribed by the Commissioner and shall be valid for a period of 30 days from the date of issue.

Sec. G.122 23 V.S.A. § 476 is amended to read:

§ 476. MOTOR VEHICLE WARRANTY FEE

A motor vehicle warranty fee of ~~\$6.00~~ \$8.00 is imposed on the registration of each new motor vehicle in this State, not including trailers, tractors, motorized highway building equipment, road-making appliances, snowmobiles, motorcycles, motor-driven cycles, or trucks with a gross vehicle weight over 12,000 pounds.

Sec. G.123 23 V.S.A. § 494 is amended to read:

§ 494. FEES

The annual fee for a transporter's registration certificate, number plate, or validation sticker is ~~\$123.00~~ \$148.00.

* * * Registration; Display of Number Plates * * *

Sec. G.124 23 V.S.A. § 514 is amended to read:

§ 514. REPLACEMENT NUMBER PLATES

(a) In case of the loss of a number plate, the owner of the motor vehicle to which it was assigned shall immediately notify the Commissioner of such loss, and the Commissioner shall furnish such owner with a new plate. The fee charged shall be ~~\$12.00~~ \$15.00 for each plate. The owner of a motor vehicle who has lost one number plate may operate ~~his or her~~ the owner's vehicle with only one number plate attached, until a new plate is furnished ~~him or her~~ to the owner, provided ~~he or she~~ the owner notified the Commissioner as required under this section.

(b) Any replacement number plate shall be issued at a fee of ~~\$12.00~~ \$15.00. However, if the Commissioner, in ~~his or her~~ the Commissioner's discretion, determines that a plate has become illegible as a result of deficiencies in the manufacturing process or by use of faulty materials, the replacement fee shall be waived.

Sec. G.125 23 V.S.A. § 516 is amended to read:

§ 516. SALE OF VEHICLE TO GO OUT OF STATE BY A PERSON
OTHER THAN DEALER

The Commissioner of Motor Vehicles is authorized to issue an in-transit registration permit for the purpose of movement over the highways of certain motor vehicles otherwise required to be registered when the vehicles are sold in this State by a person, other than a registered motor vehicle dealer, to be transported to and registered in another state or province. The registration may be obtained by submitting an application on a form prescribed and furnished by the Commissioner of Motor Vehicles. The Commissioner is authorized to charge a fee of ~~\$6.00~~ \$8.00 for the processing of the application and the issuance of the plate. The in-transit registration plate pursuant to this section shall be valid for a period of 30 days from issuance and shall be in the form and design prescribed by the Commissioner of Motor Vehicles. Issuance of an in-transit plate for vehicles sold by a registered motor vehicle dealer to a person to be transported to and registered in another state or province shall be governed by the provisions of section 463 of this title.

Sec. G.126 23 V.S.A. § 517 is amended to read:

§ 517. INTRASTATE IN-TRANSIT PERMIT

The Commissioner may issue an intrastate in-transit registration permit to authorize the movement within Vermont of a motor vehicle otherwise required to be registered, if the vehicle is sold in this State by a person other than a

registered motor vehicle dealer. The permit may be obtained after submission of an application on a form prescribed and furnished by the Commissioner and payment of a ~~\$6.00~~ \$8.00 fee. The permit shall be valid for a period of 10 days from the date of issuance and shall be in the form and design prescribed by the Commissioner.

* * * Operator's License; General Provisions * * *

Sec. G.127 23 V.S.A. § 608 is amended to read:

§ 608. FEES

(a) The four-year fee required to be paid the Commissioner for licensing an operator of motor vehicles or for issuing an operator's privilege card shall be ~~\$51.00~~ \$62.00. The two-year fee required to be paid the Commissioner for licensing an operator or for issuing an operator's privilege card shall be ~~\$32.00~~ \$39.00, and the two-year fee for licensing a junior operator or for issuing a junior operator's privilege card shall be ~~\$32.00~~ \$39.00.

(b) An additional fee of ~~\$3.00~~ \$4.00 per year shall be paid for a motorcycle endorsement. The endorsement may be obtained for either a two-year or four-year period, to be coincidental with the length of the operator's license.

Sec. G.128 23 V.S.A. § 613 is amended to read:

§ 613. REPLACEMENT LICENSE

(a) In case of the loss, mutilation, or destruction of a license or error in a license, the licensee shall forthwith notify the Commissioner who shall furnish such licensee with a replacement on receipt of ~~\$20.00~~ \$24.00.

* * *

Sec. G.129 23 V.S.A. § 617 is amended to read:

§ 617. LEARNER'S PERMIT

* * *

(b)(1) Notwithstanding the provisions of subsection (a) of this section, any licensed person may apply to the Commissioner of Motor Vehicles for a learner's permit for the operation of a motorcycle in the form prescribed by the Commissioner. The Commissioner shall offer both a motorcycle learner's permit that authorizes the operation of three-wheeled motorcycles only and a motorcycle learner's permit that authorizes the operation of any motorcycle. The Commissioner shall require payment of a fee of ~~\$20.00~~ \$24.00 at the time application is made.

(2) After the applicant has successfully passed all parts of the applicable motorcycle endorsement examination, other than a skill test, the Commissioner

may issue to the applicant a learner's permit that entitles the applicant, subject to subsection 615(a) of this title, to operate a three-wheeled motorcycle only, or to operate any motorcycle, upon the public highways for a period of 120 days from the date of issuance. The fee for the examination shall be ~~\$9.00~~ \$11.00.

(3) A motorcycle learner's permit may be renewed only twice upon payment of a ~~\$20.00~~ \$24.00 fee. If, during the original permit period and two renewals the permittee has not successfully passed the applicable skill test or motorcycle rider training course, ~~he or she~~ the permittee may not obtain another motorcycle learner's permit for a period of 12 months from the expiration of the permit unless:

* * *

(d) An applicant shall pay ~~\$20.00~~ \$24.00 to the Commissioner for each learner's permit or a duplicate or renewal thereof.

* * *

Sec. G.130 23 V.S.A. § 634 is amended to read:

§ 634. FEE FOR EXAMINATION

(a) The fee for an examination for a learner's permit shall be ~~\$32.00~~ \$39.00. The fee for an examination to obtain an operator's license when the applicant is required to pass an examination pursuant to section 632 of this title shall be ~~\$19.00~~ \$23.00. The fee for a motorcycle skill test to obtain a motorcycle endorsement shall be ~~\$19.00~~ \$23.00.

(b) A scheduling fee of ~~\$24.00~~ \$29.00 shall be paid by the applicant before ~~he or she~~ the applicant may schedule the road test required under section 632 of this title. Unless an applicant gives the Department at least 48 hours' notice of cancellation, if the applicant does not appear as scheduled, the ~~\$24.00~~ \$29.00 scheduling fee is forfeited. If the applicant appears for the scheduled road test, the fee shall be applied toward the license examination fee. The Commissioner may waive the scheduling fee until the Department is capable of administering the fee electronically.

* * *

* * * Operator's License; Suspension and Revocation * * *

Sec. G.131 23 V.S.A. § 675 is amended to read:

§ 675. FEE PRIOR TO TERMINATION OR REINSTATEMENT OF
SUSPENSION OR REVOCATION OF LICENSE

(a) Before a suspension or revocation issued by the Commissioner of a person's operator's license or privilege of operating a motor vehicle may be terminated or before a person's operator's license or privilege of operating a motor vehicle may be reinstated, there shall be paid to the Commissioner a fee of ~~\$80.00~~ \$96.00 in addition to any other fee required by statute. This section shall not apply to suspensions issued under the provisions of chapter 11 of this title nor suspensions issued for physical disabilities or failing to pass reexamination. The Commissioner shall not reinstate the license of a driver whose license was suspended pursuant to section 1205 of this title until the Commissioner receives certification from the court that the costs due the State have been paid.

* * *

* * * Operator's License; Driver Training School Licenses * * *

Sec. G.132 23 V.S.A. § 702 is amended to read:

§ 702. TRAINING SCHOOL AND INSTRUCTOR'S LICENSES

A person shall not operate a driver training school or act as an instructor unless the person has secured a license from the Commissioner. Applications for such licenses may be filed with the Commissioner and shall contain the information and shall be on the forms the Commissioner may prescribe. Each application for a driver's training school license shall be accompanied by an application fee of ~~\$150.00~~ \$180.00, which shall not be refunded. If the application is approved by the Commissioner, the applicant upon payment of an additional fee of ~~\$225.00~~ \$270.00 shall be granted a license, which shall become void two years after the first day of the month of issue unless sooner revoked as provided in this subchapter. The renewal fee shall be ~~\$225.00~~ \$270.00. Each application for an instructor's license shall be accompanied by an application fee of ~~\$105.00~~ \$126.00, which shall not be refunded. If the application is approved by the Commissioner, the applicant upon payment of an additional fee of ~~\$75.00~~ \$90.00 shall be granted a license, which shall become void two years after the first day of the month of issue unless sooner revoked as provided in this subchapter. The renewal fee shall be ~~\$75.00~~ \$90.00.

Sec. G.133 23 V.S.A. § 703 is amended to read:

§ 703. POSSESSION OF LICENSE

Each person granted a driver's training school license shall display the same conspicuously on the school premises. Each person granted an instructor's license shall carry the same in ~~his or her~~ the person's possession while engaged in giving driver training. In case of loss, mutilation, or destruction of a license

certificate, the Commissioner shall issue a duplicate certificate upon payment of a fee of ~~\$8.00~~ \$10.00.

* * * Operation of Vehicles; Equipment * * *

Sec. G.134 23 V.S.A. § 1230 is amended to read:

§ 1230. CHARGE

For each inspection certificate issued by the Department of Motor Vehicles, the Commissioner shall be paid ~~\$6.00~~ \$8.00, provided that State and municipal inspection stations that inspect only State or municipally owned and registered vehicles shall not be required to pay a fee. All vehicle inspection certificate charge revenue shall be allocated to the Transportation Fund with one-half reserved for bridge maintenance activities.

* * * Operation of Vehicles; Weight, Size, Loads * * *

Sec. G.135 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:

* * *

(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 operating on designated routes on the State Highway System for a fee of ~~\$382.00~~ \$458.00 for each vehicle 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 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:

(A) 3-axle trucks with a single steering axle and a rear tandem axle that have a maximum gross weight of not more than 60,000 pounds when registered for a minimum gross weight of not more than 55,000 pounds, the permit fee shall be ~~\$156.00~~ \$187.00.

(B) 4-axle trucks with a single steering axle and a rear tri-axle unit that have a maximum gross weight of not more than 69,000 pounds when registered for a minimum weight of 60,000 pounds, the permit fee shall be ~~\$352.00~~ \$422.00.

(C) 4-axle tractor semi-trailer or truck trailer combination with a maximum gross weight of not more than 72,000 pounds, provided the distance between the second axle of the tractor and the rear axle of the trailer is at least 24 feet measured to the nearest foot. For each foot or fraction of a foot less than 24 feet, measured to the nearest foot, a reduction of 2,000 pounds in the maximum gross weight shall be made. The permit fee shall be ~~\$15.00~~ \$18.00.

(D) 5- or more axle tractor semi-trailer or truck trailer combination with a maximum gross weight of not more than 76,000 pounds, provided that the distance between the first and last axle of two consecutive sets of tandem axles is at least 24 feet measured to the nearest foot. For each foot or fraction of a foot less than 24 feet, measured to the nearest foot, a reduction of 2,000 pounds in the maximum gross weight shall be made. The permit fee shall be ~~\$15.00~~ \$18.00.

* * *

(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:

* * *

(F) The fee for the annual permit as provided in this subdivision (17) shall be ~~\$382.00~~ \$458.00 for vehicles bearing up to 90,000 pounds and ~~\$560.00~~ \$671.00 for vehicles bearing up to 99,000 pounds.

* * *

Sec. G.136 23 V.S.A. § 1402 is amended to read:

§ 1402. OVERWEIGHT, WIDTH, HEIGHT, AND LENGTH PERMITS;
FEES

(a) Overweight, overwidth, indivisible overlength, and overheight permits. Overweight, overwidth, indivisible overlength, and overheight permits shall be signed by the Commissioner or by ~~his or her~~ the Commissioner's agent and a copy shall be kept in the office of the Commissioner or in a location approved by the Commissioner. Except as provided in subsection (c) of this section, a copy shall also be available in the towing vehicle and must be available for inspection on demand of a law enforcement officer. Before operating a traction engine, tractor, trailer, motor truck, or other motor vehicle, the person to whom a permit to operate in excess of the weight, width, indivisible overlength, and height limits established by this title is granted shall pay a fee of ~~\$40.00~~ \$48.00 for each single trip permit or ~~\$112.00~~ \$135.00 for a blanket permit, except that the fee for a fleet blanket permit shall be ~~\$112.00~~ \$135.00 for the first unit and ~~\$6.00~~ \$8.00 for each unit thereafter. At the option of a carrier, an annual permit for the entire fleet, to operate over any approved route, may be obtained for ~~\$112.00~~ \$135.00 for the first tractor and ~~\$6.00~~ \$8.00 for each additional tractor, up to a maximum fee of \$1,000.00. The fee for a fleet permit shall be based on the entire number of tractors owned by the applicant. An applicant for a fleet permit may apply for any number of specific routes, each of which shall be reviewed with regard to the characteristics of the route and the type of equipment operated by the applicant. When the weight or size of the vehicle-load are considered sufficiently excessive for the routing requested, the Agency of Transportation shall, on request of the Commissioner, conduct an engineering inspection of the vehicle-load and route, for which a fee of \$300.00 will be added to the cost of the permit if the load is a manufactured home. For all other loads of any size or with gross weight limits less than 150,000 pounds, the fee shall be \$800.00 for any engineering inspection that requires up to eight hours to conduct. If the inspection requires more than eight hours to conduct, the fee shall be \$800.00 plus \$60.00 per hour for each additional hour required. If the vehicle and load weigh 150,000 pounds or more but not more than 200,000 pounds, the engineering inspection fee shall be \$2,000.00. If the vehicle and load weigh more than 200,000 pounds but not more than 250,000 pounds, the engineering inspection fee shall be \$5,000.00. If the vehicle and load weigh

more than 250,000 pounds, the engineering inspection fee shall be \$10,000.00. The study must be completed prior to the permit being issued. Prior to the issuance of a permit, an applicant whose vehicle weighs 150,000 pounds or more, or is 15 or more feet in width or height, shall file with the Commissioner a special certificate of insurance showing minimum coverage of \$250,000.00 for death or injury to one person, \$500,000.00 for death or injury to two or more persons, and \$250,000.00 for property damage, all arising out of any one crash.

(b) Overlength permits. Except as provided in subsections 1432(c) and (e) of this title, it shall be necessary to obtain an overlength permit as follows:

(1) For vehicles with a trailer or semitrailer longer than 75 feet, anywhere in the State on highways approved by the Agency of Transportation. In such cases, the vehicle may be operated with a single trip overlength permit issued by the Department of Motor Vehicles for a fee of ~~\$28.00~~ \$34.00. If the vehicle is 100 feet or more in length, the permit applicant shall file with the Commissioner of Motor Vehicles a special certificate of insurance showing minimum coverage of \$250,000.00 for death or injury to one person, \$500,000.00 for death or injury to two or more persons, and \$250,000.00 for property damage, all arising out of any one crash.

* * *

* * * Title to Motor Vehicles; General Provisions * * *

Sec. G.137 23 V.S.A. § 2002 is amended to read:

§ 2002. FEES

(a) The Commissioner shall be paid the following fees:

(1) for any certificate of title, including a salvage certificate of title, or an exempt vehicle title, ~~\$35.00~~ \$42.00;

(2) for each security interest noted upon a certificate of title, including a salvage certificate of title, ~~\$11.00~~ \$14.00;

(3) for a certificate of title after a transfer, ~~\$35.00~~ \$42.00;

(4) for each assignment of a security interest noted upon a certificate of title, ~~\$11.00~~ \$14.00;

(5) for a duplicate certificate of title, including a salvage certificate of title, ~~\$35.00~~ \$42.00;

(6) for an ordinary certificate of title issued upon surrender of a distinctive certificate, ~~\$35.00~~ \$42.00;

(7) for filing a notice of security interest, ~~\$11.00~~ \$14.00;

(8) for a certificate of search of the records of the Department of Motor Vehicles, for each motor vehicle searched against, ~~\$22.00~~ \$27.00;

(9) for filing an assignment of a security interest, ~~\$11.00~~ \$14.00;

(10) for a certificate of title after a security interest has been released, ~~\$35.00~~ \$42.00;

(11) for a certificate of title for a motor vehicle acquired by a veteran with financial assistance from the U.S. Department of Veterans Affairs and exempt from registration fees pursuant to section 378 of this title, no fee;

(12) for a corrected certificate of title, ~~\$35.00~~ \$42.00.

* * *

* * * Titling of Vessels, Snowmobiles, and All-terrain Vehicles * * *

Sec. G.138. 23 V.S.A. § 3802 is amended to read:

§ 3802. FEES

(a) The Commissioner shall be paid the following fees:

(1) for filing an application for a first certificate of title, ~~\$22.00~~ \$27.00;

(2) for each security interest noted upon a certificate of title, ~~\$11.00~~ \$14.00;

(3) for a certificate of title after a transfer, ~~\$22.00~~ \$27.00;

(4) for each assignment of a security interest noted upon a certificate of title, ~~\$11.00~~ \$14.00;

(5) for a duplicate certificate of title, ~~\$22.00~~ \$27.00;

(6) for an ordinary certificate of title issued upon surrender of a distinctive certificate, ~~\$22.00~~ \$27.00;

(7) for filing a notice of security interest, ~~\$11.00~~ \$14.00;

(8) for a certificate of search of the records of the Department of Motor Vehicles for each vessel, snowmobile, or all-terrain vehicle searched against, ~~\$22.00~~ \$27.00;

(9) for filing an assignment of a security interest, ~~\$11.00~~ \$14.00;

(10) for a certificate of clear title after the security interest or interests have been released, ~~\$22.00~~ \$27.00;

(11) for a corrected certificate of title, ~~\$22.00~~ \$27.00.

* * *

* * * Commercial Driver's License Act * * *

Sec. G.139 23 V.S.A. § 4108 is amended to read:

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

* * *

(f) The fee for a knowledge test and the fee for a skills test shall each be ~~\$32.00~~ \$39.00. The fee for an endorsement test shall be ~~\$14.00~~ \$17.00. In the event that an applicant fails a test three times, ~~he or she~~ the applicant may not take the test again for at least six months. A fee of ~~\$24.00~~ \$29.00 shall be paid by the applicant before ~~he or she~~ the applicant may schedule a skills test. If an applicant does not appear for the scheduled skills test, the ~~\$24.00~~ \$29.00 scheduling fee is forfeited, unless the applicant has given the Department of Motor Vehicles at least 48 hours' notice of cancellation of the test. If the applicant appears for the skills test, the ~~\$24.00~~ \$29.00 scheduling fee for that test will be used as part of the test fee. Use of an interpreter is prohibited during the administration of the knowledge or skills tests.

* * *

Sec. G.140 23 V.S.A. § 4110 is amended to read:

§ 4110. APPLICATION FOR COMMERCIAL DRIVER'S LICENSE OR
COMMERCIAL LEARNER'S PERMIT

* * *

(8) The proper fee.

(A) The four-year fee for a commercial driver's license shall be ~~\$90.00~~ \$108.00. The two-year fee shall be ~~\$60.00~~ \$72.00. In those instances where the applicant surrenders a valid Vermont Class D license, the total fees due shall be reduced by:

* * *

(B) The fee for a commercial learner's permit is ~~\$15.00~~ \$18.00.

* * *

(b) When a licensee or permittee changes ~~his or her~~ the licensee's or permittee's name, mailing address, or residence or in the case of the loss, mutilation, or destruction of a license or permit, the licensee or permittee shall forthwith notify the Commissioner and apply in person for a duplicate license or permit in the same manner as set forth in subsection (a) of this section. The fee for a duplicate license or permit shall be ~~\$15.00~~ \$18.00.

* * *

* * * Motor Vehicle Purchase and Use Tax * * *

Sec. G.141 32 V.S.A. § 8903 is amended to read:

§ 8903. TAX IMPOSED

(a)(1) There is hereby imposed upon the purchase in Vermont of a motor vehicle by a resident a tax at the time of such purchase, payable as hereinafter provided. The amount of the tax shall be six percent of the taxable cost of a:

* * *

(2) For any other motor vehicle, it shall be six percent of the taxable cost of the motor vehicle or ~~\$2,075.00~~ \$2,486.00 for each motor vehicle, whichever is smaller, except that pleasure cars that are purchased, leased, or otherwise acquired for use in short-term rentals shall be subject to taxation under subsection (d) of this section.

(b)(1) There is hereby imposed upon the use within this State a tax of six percent of the taxable cost of a:

* * *

(2) For any other motor vehicle, it shall be six percent of the taxable cost of the motor vehicle or ~~\$2,075.00~~ \$2,486.00 for each motor vehicle, whichever is smaller, by a person at the time of first registering or transferring a registration to such motor vehicle payable as hereinafter provided, except no use tax shall be payable hereunder if the tax imposed by subsection (a) of this section has been paid, or the vehicle is a pleasure car that was purchased, leased, or otherwise acquired for use in short-term rentals, in which case the vehicle shall be subject to taxation under subsection (d) of this section.

* * *

* * * Effective Dates * * *

Sec. H.100 EFFECTIVE DATES

(a) This section and Secs. C.100 through C.126 (fiscal year 2023 adjustments, appropriations, and amendments) shall take effect upon passage.

(b) Sections G.100 through G.141 (Department of Motor Vehicles fee increases and Motor Vehicle Purchase and Use Tax increase) shall take effect on January 1, 2024.

(c) All remaining sections shall take effect on July 1, 2023.

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

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

Committee on the part of the Senate

*DIANE M. LANPHER
ROBIN P. SCHEU
THERESA A. WOOD*

Committee on the part of the House

Rep. Long of Newfane presiding.

Speaker presiding.

Addendum to the Report of Committee of Conference on H. 494

An act relating to making appropriations for the support of government

By striking out Sec. C.112(a)(2) in its entirety and inserting in lieu thereof a new subsection (2) to read as follows:

(2) the unexpended or unobligated amount of the \$2,500,000 transferred by the Emergency Board to the Agency of Education for PCB remediation shall revert to the Education Fund and be reappropriated to 2022 Acts and Resolves No. 185 Sec. B.505 Education - adjusted education payment.

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

Committee on the part of the Senate

*DIANE M. LANPHER
ROBIN P. SCHEU
THERESA A. WOOD*

Committee on the part of the House

Pending the question, Shall the report of the Committee of Conference be adopted?, **Rep. Lanpher of Vergennes** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee of Conference be adopted?, was decided in the affirmative. Yeas, 90. Nays, 53.

Those who voted in the affirmative are:

Andrews of Westford	Dodge of Essex	Morris of Springfield
Anthony of Barre City	Dolan of Essex Junction	Mrowicki of Putney
Arrison of Weathersfield	Dolan of Waitsfield	Nicoll of Ludlow
Arsenault of Williston *	Durfee of Shaftsbury	Notte of Rutland City *

Austin of Colchester	Emmons of Springfield	Noyes of Wolcott *
Bartholomew of Hartland	Farlice-Rubio of Barnet	Nugent of South Burlington
Berbeco of Winooski	Garofano of Essex	Ode of Burlington
Birong of Vergennes	Goldman of Rockingham	Pajala of Londonderry
Black of Essex	Graning of Jericho	Patt of Worcester
Bluemle of Burlington	Holcombe of Norwich	Pouech of Hinesburg
Bongartz of Manchester	Hooper of Randolph	Priestley of Bradford
Boyden of Cambridge	Hooper of Burlington	Rice of Dorset
Brady of Williston	Houghton of Essex Junction	Roberts of Halifax
Brown of Richmond	Howard of Rutland City	Satcowitz of Randolph
Brumsted of Shelburne	Hyman of South Burlington	Scheu of Middlebury
Burke of Brattleboro *	James of Manchester	Sheldon of Middlebury
Burrows of West Windsor	Jerome of Brandon	Sibilia of Dover
Buss of Woodstock	Kornheiser of Brattleboro	Sims of Craftsbury
Campbell of St. Johnsbury	Krasnow of South	Squirrell of Underhill
Carroll of Bennington	Burlington	Stebbins of Burlington
Chapin of East Montpelier *	LaBounty of Lyndon	Stevens of Waterbury
Chase of Chester	Lalley of Shelburne	Stone of Burlington
Chase of Colchester	LaLonde of South	Taylor of Colchester
Chesnut-Tangerman of	Burlington	Toleno of Brattleboro
Middletown Springs	Lanpher of Vergennes	Torre of Moretown
Christie of Hartford	Leavitt of Grand Isle	Troiano of Stannard
Coffey of Guilford	Lipsky of Stowe	Waters Evans of Charlotte
Cole of Hartford *	Long of Newfane *	White of Bethel
Conlon of Cornwall	McCarthy of St. Albans City	Whitman of Bennington
Corcoran of Bennington	Mihaly of Calais	Williams of Barre City
Demrow of Corinth	Minier of South Burlington	Wood of Waterbury

Those who voted in the negative are:

Andriano of Orwell *	Goslant of Northfield	Mulvaney-Stanak of
Bartley of Fairfax	Gregoire of Fairfield	Burlington *
Beck of St. Johnsbury	Hango of Berkshire *	Oliver of Sheldon
Bos-Lun of Westminster *	Harrison of Chittenden	Page of Newport City
Branagan of Georgia	Headrick of Burlington	Parsons of Newbury
Brennan of Colchester	Higley of Lowell	Peterson of Clarendon
Burditt of West Rutland	Labor of Morgan	Rachelson of Burlington *
Canfield of Fair Haven	LaMont of Morristown	Sammis of Castleton *
Carpenter of Hyde Park	Laroche of Franklin	Shaw of Pittsford
Casey of Montpelier	Logan of Burlington	Small of Winooski *
Cina of Burlington	Maguire of Rutland City	Smith of Derby
Clifford of Rutland City	Marcotte of Coventry	Surprenant of Barnard
Cordes of Lincoln	Mattos of Milton	Taylor of Milton
Demar of Enosburgh	McCann of Montpelier *	Templeman of Brownnington
Dickinson of St. Albans	McCoy of Poultney *	Toof of St. Albans Town *
Town	McFaun of Barre Town	Walker of Swanton
Donahue of Northfield	McGill of Bridport *	Williams of Granby
Elder of Starksboro	Morgan of Milton *	
Galfetti of Barre Town *	Morrissey of Bennington	

Those members absent with leave of the House and not voting are:

Brownell of Pownal
Graham of Williamstown

Masland of Thetford
O'Brien of Tunbridge

Pearl of Danville
Wilson of Lyndon

Rep. Andriano of Orwell explained his vote as follows:

“Madam Speaker:

I vote against this budget in solidarity with the Vermonters who will be out on the street as of July 1st. I cannot ethically support a document that makes a conscious choice to shove people off a cliff when it just as easily could have built them an off ramp.”

Rep. Arsenault of Williston explained her vote as follows:

“Madam Speaker:

I voted yes for all the good this budget will enable and in recognition of the diligent work of this body’s committees. However, I rise to apologize to the Vermonters who will soon be unhoused due to the Governor’s lack of a responsible transition plan to end the motel voucher program. I commit to learning and then doing my part in the name of oversight, and I call on the Administration to do theirs in the name of basic humanity. We can still find a way to ensure folks remain housed while winding down the motel voucher program, which was never intended to be permanent. I don’t quite understand how we got here, as the crisis we face was entirely predictable, but I implore each of us and every responsible State agency to take an active role in finding a true solution”

Rep. Bos-Lun of Westminster explained her vote as follows:

“Madam Speaker:

A lot of important policy is reflected in this budget that can benefit Vermont and Vermonters, but it is missing one critical allocation, funding a responsible, compassionate transition out of hotel housing. I do believe the program needs to be phased out, in a careful way that supports both the needs of individuals and our communities. I have been a case manager with homeless youth. At the beginning of the pandemic, I worked with some individuals who were sheltered in hotels. I cannot support a bill that evicts every individual currently housed in hotels without time to make supportive plans. A director of a Vermont emergency housing program told me he was trying to get sleeping bags and tents to send current hotel residents without some form of shelter. This is inadequate and inhumane for impacted individuals and will be extremely difficult for our communities and service providers too. With a bit more time and coordination, better options could be secured to make a smoother transition for all. I cannot support a budget that sends Vermonters out

of temporary housing onto the streets, into the woods, or to living in their cars. This was the hardest vote I ever cast, but I had to vote no.”

Rep. Burke of Brattleboro explained her vote as follows:

“Madam Speaker:

This is the hardest vote I have had to navigate in my 15 years in this body. My yes vote today is on all the positive investments in this budget. However, I am deeply disturbed by the negative aspects of this budget, and by the loss of shelter soon to be faced by individuals in our communities. We will all be called on to help alleviate the harm.”

Rep. Chapin of East Montpelier explained her vote as follows:

“Madam Speaker:

I vote yes to support the important and forward-thinking investments and programs in this budget. Yet I also want to express that my heart is broken for the inadequacy of our collective plan and funding to transition people out of the hotels and motels, where people will shortly have nowhere to live. And I am deeply concerned about the community and emergency organizations and health care providers who are already stressed and understaffed after years of pandemic and workforce shortages. The timing is off between the impacts of positive investments we are making, and the forced unhousing to come.”

Rep. Cole of Hartford explained her vote as follows:

“Madam Speaker:

The roots of homelessness are systemic and multilayered, despite the culture of American individualism and belief in a strong work ethic that some of us hold on to so dearly. In the United States, the cost of a single health problem can be expensive enough to strip the roof out from over someone’s head. It strikes me that seventy-five percent of the households utilizing the GA motel voucher program contain at least one member with disabilities. I believe that motel vouchers would not be a part of today’s discussion if we could cut the relationship between health and housing status by implementing single payer health insurance in our State. I appreciate the investment that the Legislature has proposed in addressing some of the root causes of our State’s challenges at the intersection of health and housing. In contrast, I am disappointed by the Governor’s recent messaging that claims, “cost savings” through underinvestment, while relying on Vermonters’ tax dollars to treat these issues in inefficient and undignified ways that are untraceable back to his budget proposal: including increased emergency room visits, incarceration, emergency services, hunger, and addiction. In the coming months, it will be the State’s duty to guarantee the safe transition of all Vermonters previously

housed in the GA program. It is also the State's duty to target the underlying causes of houselessness. I believe that this budget is a partial, yet important step in fulfilling these duties."

Rep. Galfetti of Barre Town explained her vote as follows:

"Madam Speaker:

I will not blame a Governor, who presented us with a budget, that did not raise taxes or fees and had good provisions for all the programs that we have in this budget, for dropping the ball. Perhaps if we had left some meat on the bone, we, the Legislature, could have built the off ramp our homeless deserve as is our duty."

Rep. Hango of Berkshire explained her vote as follows:

"Madam Speaker:

Here we sit, concluding our business of passing legislation - initiatives requiring new funding sources, adding hundreds of millions of dollars that will burden working Vermonters by increasing taxes and fees across many sectors. While this budget contains many worthy programs, I cannot support this unsustainable increase. Tens of millions of those dollars are allocated to new positions within State government to administer these new programs or to expand existing ones. That leads me to a real dilemma: on the one hand, we are desperate for more workers; yet on the other hand, we are driving those very workers away from our State. Madam Speaker, for \$3.5 million, we have had the opportunity each year that I have sat in this seat, to attract and retain a ready-made, skilled workforce. Sadly, this legislation has remained on the wall – a bill to exempt all military pensions and survivors benefits from State income tax – a bill that would honor the sacrifices that families have made for our freedom to sit here today. The \$3.5 million dollars in the scheme of spending hundreds of millions of dollars is a drop in the bucket. It is my hope that when we return in January, we can finally put aside our differences and come together to do the right thing to honor the men and women and their families who served or gave the ultimate sacrifice with this modest measure of gratitude."

Rep. Long of Newfane explained her vote as follows:

"Madam Speaker:

I voted yes on this budget because it makes critical investments that reflect the needs of Vermonters in all fourteen counties. It supports programs and policies that help people each and every day."

Rep. McCann of Montpelier explained her vote as follows:

“Madam Speaker:

This budget reflects hard work and good policy that will benefit so many Vermonters. But it is missing an acceptable off ramp to the GA housing program for our most vulnerable community members. Emergency shelters with cots and meals is not acceptable. Tents are not acceptable. Putting the responsibility for these individuals and families on our cities and towns is not acceptable. Unhousing 600 children is not acceptable. Without a budget that reflects a responsible end to the motel program, I vote no.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

While there are many good things this budget funds...and this may sound strange...that is exactly the problem. With the passage of the childcare bill, this evening, this budget is an overall increase of 13.3%. Given we are already seeing downgrades in our incoming revenue, I am concerned we will be back here in January cutting many of the initiatives we approved tonight. A 20% increase in DMV fees, the unknown cost of the clean heat standard, a 90-million-dollar payroll tax, millions of dollars in OPR fees, and we are looking to give ourselves a 50% raise. While not all of these are contained in the budget, we must take a broader look at our financial picture. I cannot support this rate of spending and new taxes and fees. My constituents cannot afford the decisions we have made this session. My constituents cannot afford this budget. We are breaking the backs of Vermonters.”

Rep. McGill of Bridport explained her vote as follows:

“Madam Speaker:

I voted no on this bill because I can’t in good conscience support a budget that does not recognize and support the humanity in all Vermonters.”

Rep. Morgan of Milton explained his vote as follows:

“Madam Speaker:

This budget was done with a tremendous amount of hard, hard work by our friends in Appropriations, and that is appreciated. This budget provides for many, many great programs, and initiatives for the State, however, at a cost that is not sustainable. I am fearful that with already decreasing State revenues, as predicted by our State economists, that we are very likely setting ourselves on a trajectory for financial failure. We are arguably the 3rd or 4th highest taxed state in the nation. I hear from constituents all the time that this must change. With the direction this budget is heading, with the staggering increases to the

baseline, we are not changing anything but are on a path of financial hardship for hardworking Vermonters.”

Rep. Mulvaney-Stanak of Burlington explained her vote as follows:

“Madam Speaker:

I am voting no today because I must vote my conscience and stand with my unhoused neighbors. We can and must do better. This is a policy problem we can still solve, not a money problem.”

Rep. Notte of Rutland City explained his vote as follows:

“Madam Speaker:

I voted yes for this budget in recognition of the hard work done by my colleagues in this building over the course of the legislative session. I voted yes in recognition of all the positive effects the components of this budget will have on the residents of our State. This budget, as it always is, is a compromise. But the sum of its parts is a positive step forward, and a promise for the future. The care and diligence put into this budget is obvious, and so is the hope. For all these reasons, I voted yes.”

Rep. Noyes of Wolcott explained his vote as follows:

“Madam Speaker:

I rise today in support of the investments this budget makes in our home and community-based service providers. Over the past decade, we have underfunded many of these programs that are essential to not be crossed out. Assisted community care services, adult day providers, enhanced residential care, and home delivered meals, to name a few. If we are to make Vermont the best state to grow old in, then we need to continue to make these kinds of investments in the services and supports.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

This budget does so much for so many Vermonters. My no vote in no way reflects the House’s hard work, or our House budget conferees advocacy and efforts. I voted no because despite the House’s work and efforts, 1800 households, including 700 children, will be forced out of their housing in just a few short weeks. The impact of having so many people needing housing and assistance is going to be a tsunami. Our human service and housing organizations are amazing, but they are not miracle workers. Housing Vermonters in motels isn’t the answer and is unsustainable. I’m excited that we’re increasing our housing stock, but with the lack of available, affordable housing now, I am gravely concerned about the well-being of the people we

are putting out. I've read about the gradual and planned success other states and municipalities have had with these very same transitions. We're saving the expense of paying motels the rates they were demanding, but Vermont and our local communities will all pay for the burden that will be shifted to our health care, social service, law enforcement, education, and justice systems. And most of all, I am concerned about the additional stress and obstacles we've placed on so many vulnerable Vermonters."

Rep. Sammis of Castleton explained his vote as follows:

"Madam Speaker:

Let's keep the safety and well-being of our most vulnerable above politics—and actually do something about it for a change. It is our responsibility. It is our duty. The time is now, not later... It is up to us. I vote no."

Rep. Small of Winooski explained her vote as follows:

"Madam Speaker:

I refuse to sign the death certificates of our most vulnerable Vermonters. That is what we are doing with this budget's unhousing plan. That is why I vote no."

Rep. Toof of St. Albans Town explained his vote as follows:

"Madam Speaker:

Although I agree with many initiatives associated with this budget, I cannot and will not support a budget increase of over 13%. This budget raises taxes and fees on working Vermonters while hurting the very people we claim to want to help. A 20% increase in DMV fees alone is enough for me to vote no, but the 13% base increase is just too much. I'm afraid we will have to raise taxes in future years to keep these promises. I vote no."

Bills Ordered Delivered to Governor Forthwith

On motion of **Rep. McCoy of Poultney**, the following bills were ordered delivered to the Governor forthwith, pursuant to Joint Rule 15: H. 67, H. 126, H. 227, H. 270, H. 471, H. 472, H. 480, H. 517, and H. 494.

Senate Notified of Completion of House Business

Rep. McCoy of Poultney moved that the House direct the Clerk to inform the Senate that the House has completed the business of the first half of the Biennial Session and is ready to adjourn pursuant to the provisions of J.R.S. 27, which was agreed to.

Governor Notified of Completion of House Business

Rep. McCoy of Poultney moved that the Speaker appoint a committee of six to inform the Governor that the House has completed the business of the first half of the Biennial Session and is ready to adjourn pursuant to the provisions of J.R.S. 27, which was agreed to. Thereupon, the Speaker appointed to serve on the Committee the following members:

Rep. Long of Newfane

Rep. McCoy of Poultney

Rep. Mulvaney-Stanak of Burlington

Rep. Lanpher of Vergennes

Rep. Kornheiser of Brattleboro

Rep. Marcotte of Coventry

Governor Presented at the Bar of the House

The Committee appointed to wait upon the Governor retired to the Executive Chamber and returned with His Excellency, Governor Philip B. Scott, and presented him at the bar of the House. The Governor addressed the House and, having completed his remarks, was escorted from the Hall by the Committee.

Adjournment

At eleven and thirty-one minutes in the evening, on motion of **Rep. Long of Newfane**, the House adjourned until Tuesday, June 20, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 27.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 115

House concurrent resolution congratulating the University of Vermont Catamounts women's basketball team on winning the 2023 America East Conference championship

H.C.R. 116

House concurrent resolution honoring the youth division snowboarders and skiers who represented Vermont with distinction at the 2023 United States of America Snowboard and Freeski Association National Championships

H.C.R. 117

House concurrent resolution congratulating the University of Vermont Catamounts men's basketball team on winning the 2023 America East Conference championship

H.C.R. 118

House concurrent resolution congratulating the Northfield Junior Rifle team on completing a memorable and successful 2022–2023 competitive season

H.C.R. 119

House concurrent resolution congratulating the 2023 St. Johnsbury Academy Hilltoppers Science Olympiad team on its multi-medal-winning achievements

H.C.R. 120

House concurrent resolution congratulating Thetford Town Clerk and Treasurer Tracy Borst as the first Vermont and New England recipient of the International Institute of Municipal Clerks' Institute Directors Award of Excellence

H.C.R. 121

House concurrent resolution congratulating the 2023 Burlington High School Seahorses championship Vermont-NEA Scholars' Bowl team and wishing the students every success in their forthcoming national competitions

H.C.R. 122

House concurrent resolution in memory of University of Vermont Professor Emeritus Samuel B. Feitelberg of Shelburne

H.C.R. 123

House concurrent resolution honoring William Boyd Davies for more than four decades of insightfully moderating the Northeast Kingdom Legislative Breakfast Series in Newport

H.C.R. 124

House concurrent resolution congratulating St. Peter Roman Catholic Church of Rutland on the 150th anniversary of the construction of its home

H.C.R. 125

House concurrent resolution recognizing May 2023 as Jewish American Heritage Month in Vermont

H.C.R. 126

House concurrent resolution in memory of clinical psychologist and social justice activist Dr. Ann Ellis Raynolds of Pomfret

H.C.R. 127

House concurrent resolution recognizing May as Mental Health Awareness Month in Vermont

S.C.R. 6

Senate concurrent resolution honoring Vanessa Davison for her extraordinary dedication as a staff member of the General Assembly

S.C.R. 7

Senate concurrent resolution honoring Stephanie Barrett for more than a quarter-century of public service excellence as a member of the Joint Fiscal Office staff

[The full text of the concurrent resolutions appeared in the House and Senate Calendar Addendums on the preceding legislative day and will appear in the Public Acts and Resolves of the 2023 Biennial Session.]

MEMBERS APPOINTED AFTER FINAL ADJOURNMENT**Special Committee on Impeachment Inquiry Appointments**

Pursuant to H.R. 11, the Speaker appointed the following members to the Special Committee on Impeachment Inquiry:

Rep. LaLonde of South Burlington

Rep. McCarthy of St. Albans City

Rep. Birong of Vergennes

Rep. Branagan of Georgia

Rep. Burditt of West Rutland

Rep. Dolan of Essex Junction

Rep. Pajala of Londonderry

FINAL MESSAGES AND COMMUNICATIONS**Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 15th day of May 2023, he signed bills originating in the House of the following titles:

H. 150 An act relating to approval of an amendment to the charter of the Village of Alburgh

H. 178 An act relating to commissioning Department of Corrections personnel as notaries public

H. 288 An act relating to liability for the sale of alcoholic beverages

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 25th day of May 2023, he signed bills originating in the House of the following titles:

H. 53 An act relating to driver's license suspensions and revenue for the Domestic and Sexual Violence Special Fund

H. 110 An act relating to extending the sunset under 30 V.S.A. § 248a

H. 161 An act relating to issuance of burning permits

H. 222 An act relating to reducing overdoses

H. 495 An act relating to the approval of the amendment to the charter of the Town of Middlebury

H. 506 An act relating to approval of amendments to the election boundary provisions of the charter of the City of Burlington

H. 507 An act relating to approval of amendments to the polling place provisions of the charter of the City of Burlington

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 27th day of May 2023, he returned without signature and *vetoed* bills originating in the House of Representatives of the following titles:

H. 494 An act relating to making appropriations for the support of government

H. 386 An act relating to approval of amendments to the charter of the Town of Brattleboro

H. 509 An act relating to approval of amendments to the voter qualification provisions of the charter of the City of Burlington

Governor's Veto Letter

“May 27, 2023

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
State House
Montpelier, VT 05633

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I'm returning H.494— *An act relating to making appropriations for the support of government*, without my signature because of my objections described herein:

In my address to the Legislature in January, I reported that with organic revenue growth we could achieve our shared goals. My budget leveraged a historic \$390 million in surplus revenue to fund our shared priorities like childcare, voluntary paid family and medical leave, housing, climate change mitigation, and more – all without raising taxes or fees.

This approach is critical because Vermonters have made it clear that living in our state is not affordable; and the data backs that up as we are ranked as having one of the highest tax burdens in the nation. Adding to this pressure, Vermonters continue to pay more for everyday essentials due to persistent inflation.

With all of this in mind, we cannot and should not ask Vermonters to shoulder the burden of new and higher taxes, fees, and penalties.

And yet, across this budget and other bills, the Legislature's tax, fee and spending decisions this session may add an average of nearly \$1,200 to a household's burden each year – on top of higher property tax bills and

inflation, which have already consumed the increase in most people's paychecks.

Specifically, this budget unnecessarily increases DMV fees by 20 percent and is reliant on a new and regressive, payroll tax in H.217. The DMV fee increase will once again place Vermont in the unenviable position of being the most expensive state in the northeast to maintain a driver's license and register a vehicle. The combination of this with so many other increases will hurt everyday Vermonters now and into the future.

I'm also concerned the substantial increase in ongoing base spending, that Vermonters must bear into the future, is not sustainable. This increase – more than twice the rate of current inflation – is especially concerning because it does not include the full cost of the new programs created this year that rely on new tax revenue or will otherwise add to Vermonters' costs, including the childcare expansion, universal school meals, the clean heat standard and more.

Here's the bottom line: I cannot support a budget that relies on new and regressive taxes and fees, combined with the overall increase in base spending that is far beyond our ability to sustain, especially because there is a way to achieve our shared policy goals without them. The risk to Vermonters is too great.

Vermonters have elected and reelected me, in part, to provide balance and fiscal responsibility in Montpelier and I will follow through on that mandate. I strongly urge the Legislature to work with me on a path forward that accomplishes our shared goals.

Sincerely,

Philip B. Scott
Governor
PBS/kp”

Governor's Veto Letter

“May 27, 2023

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
115 State Street
Montpelier, VT 05633

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I'm returning H.386, *An Act Relating to Approval of Amendments to the Charter of the Town*

of Brattleboro without my signature because of my objections described below.

This bill is almost identical in language and purpose to a bill passed last year, H.361, *An Act Relating to Approval of Amendments to the Charter of the Town of Brattleboro*, which I vetoed in 2022 (see attached veto message). As I said last year, I believe it is important to encourage young Vermonters to have an interest in issues affecting their schools, their communities, their state and their country. However, I do not support lowering the voting age in Brattleboro, nor lowering the age to run for Town office and sign contracts on behalf of taxpayers.

As I specified last year, “given how inconsistent Vermont law already is on the age of adulthood, this proposal will only worsen the problem. For example, the Legislature has repeatedly raised the age of accountability to reduce the consequences when young adults commit criminal offenses. They have argued this approach is justified because these offenders are not mature enough to contemplate the full range of risks and impacts of their actions.”

Adding to that inconsistency, just one month ago the Legislature passed, and I signed, H.148, *An act relating to the age of eligibility to marry*, or, “The Act to Ban Child Marriage,” which raised the age of eligibility to marry to age 18. Proponents rightly argued, “all young people in Vermont deserve equal opportunities to enjoy their childhood...”, they also pointed to undo influence by controlling parents.

Additionally, proponents of this bill have argued it represents the will of the voters. In fact, this is not the case. With H.386 the Legislature substantially changed and expanded the charter change, going against the intent of the voters (see attached Brattleboro sample ballot).

For all these reasons, I’m returning this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution.

Sincerely,

Philip B. Scott
Governor”

Governor’s Veto Letter

“May 27, 2023

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
115 State St.
Montpelier, VT 05633

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning H.509, *An act relating to approval of amendments to the voter qualification provisions of the charter of the City of Burlington*, without my signature.

As I wrote when returning similar bills without signature in 2021, this highly variable town-by-town approach to municipal election policy creates separate and unequal classes of legal residents potentially eligible to vote on local voting issues. I am well aware of the recent Vermont Supreme Court decision, as well as a historic Vermont Supreme Court decision on the issue of constitutionality. I also have no objection to the policy direction. I am happy to see legal residents who are non-citizens calling Vermont home and participating in the issues affecting their communities.

However, the fundamentals of voting should be universal and implemented statewide. I again urge the Legislature to establish clarity and consistency on this matter with a template or uniform standards, before continuing to allow municipalities to move forward with changes to resident voter eligibility in their cities and towns. Returning this bill provides the opportunity to do this important work.

For these reasons, I am returning this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution.

Sincerely,

Philip B. Scott
Governor
PBS/kp”

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 27th day of May 2023, *he allowed to become law without his signature* a bill originating in the House of the following title:

H. 508 An act relating to approval of an amendment to the ranked choice voting provisions of the charter of the City of Burlington

Governor's Letter

“May 27, 2023

Vermont General Assembly
115 State Street
Montpelier, VT 05633

Re: H.508, AN ACT RELATING TO APPROVAL OF AN AMENDMENT TO THE RANKED CHOICE VOTING PROVISIONS OF THE CHARTER OF THE CITY OF BURLINGTON

Dear Legislators:

Today, I am letting H.508, *An Act Relating to Approval of an Amendment to the Ranked Choice Voting Provisions of the Charter of the City of Burlington*, become law without my signature.

As I wrote last year when Burlington amended its charter to institute ranked choice voting for City Councilors, I am allowing this bill to move forward because its scope is limited to the method of elections of the Burlington Mayor, school commissioners and ward election officers. As we know, ranked choice voting went terribly wrong over a decade ago, resulting in Burlington abandoning the practice. Nevertheless, it appears the politics have changed in the City, for now, in favor of ranked choice voting.

To be clear, I remain opposed to a statewide system of ranked choice voting. I believe one person should get one vote, and candidates who get the most votes should win elections.

Sincerely,

Philip B. Scott
Governor
PBS/kp”

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 1st day of June 2023, he signed bills originating in the House of the following titles:

- H. 62 An act relating to the interstate Counseling Compact**
- H. 77 An act relating to Vermont's adoption of the Physical Therapy Licensure Compact**

- H. 86 An act relating to Vermont's adoption of the Audiology and Speech-Language Pathology Interstate Compact**
- H. 282 An act relating to the Psychology Interjurisdictional Compact**
- H. 473 An act relating to radiologist assistants**
- H. 517 An act relating to approval of the dissolution of Duxbury-Moretown Fire District No. 1 and the deputy State's Attorneys**

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 1st day of June 2023, he returned without signature and *vetoed* a bill originating in the House of Representatives of the following title:

- H. 305 An act relating to professions and occupations regulated by the Office of Professional Regulation**

Governor's Veto Letter

“June 1, 2023

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
State House
Montpelier, VT 05633

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I'm returning H.305, *An act relating to professions and occupations regulated by the Office of Professional Regulation*, without my signature because of my objections described herein:

I've successfully partnered with the Secretary of State's Office of Professional Regulation on several occasions since taking office to remove employment barriers for licensed professionals, and to create civilian licensure pathways for military professionals. However, I'm concerned about the impact of raising licensing fees on workers we're trying to attract to these critical sectors and adding to the affordability challenges Vermont employees and employers already face.

While these fee increases may look modest, they contribute to the high cumulative impact of new costs being levied on Vermonters this session. I will

continue to fight against creating new and higher taxes and fees during a time when Vermonters are grappling with persistent inflation, and when we have record surpluses available to assist us.

For all these reasons, I'm returning this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution.

Sincerely,

Philip B. Scott
Governor
PBS/kp”

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 1st day of June 2023, *he allowed to become law without his signature* a bill originating in the House of the following title:

H. 230 An act relating to implementing mechanisms to reduce suicide and community violence

Governor's Letter

“June 1, 2023

Vermont General Assembly
115 State Street
Montpelier, VT 05633

Re: H.230, AN ACT RELATING TO IMPLEMENTING MECHANISMS
TO REDUCE SUICIDE AND COMMUNITY VIOLENCE

Dear Legislators:

Today I'm allowing H.230, *An act relating to implementing mechanisms to reduce suicide and community violence*, to become law without my signature.

This bill has come a long way. It started as something I could not support, but after a lot of time and effort from various parties, it ended in a better place, where I support two out of the three major provisions.

First, I believe the expansion of who can petition the court for an extreme risk protection order will prove to be helpful in keeping guns out of the hands of those who are at risk of doing harm to themselves or others.

Second, the provision relating to ‘safe storage’ creates a more palatable and effective approach to ensure guns are not readily accessible to those who shouldn’t have them.

Unfortunately, the third component, including the 72-hour waiting period is, in my opinion, problematic.

Given the relatively new legal landscape we find ourselves in following recent U.S. Supreme Court decisions, I have significant concerns about the provision’s constitutionality. My struggle with the overall bill lies in the fact that I, and all legislators, took an oath to ‘not do any act or thing injurious to the constitution.’

However, this matter is currently being taken up through constitutional legal tests across the country and will be decided in Federal Court. I would also not be surprised to see a Vermont entity challenge the constitutionality of this provision of the bill, as well.

With this in mind, knowing that my constitutional concerns will be addressed through the legal process, I will allow H.230 to become law without my signature, and await the judicial branch to decide the fate of waiting periods.

Sincerely,

Philip B. Scott
Governor
PBS/kp”

Message from the Senate No. 64

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

Madam Speaker:

I am directed to inform the House that:

The Governor has informed the Senate that on the 30th day of May, he approved and signed bills originating in the Senate of the following titles:

S. 4. An act relating to reducing crimes of violence associated with juveniles and dangerous weapons.

S. 36. An act relating to crimes against health care workers at hospitals and against emergency medical treatment providers.

S. 47. An act relating to the transport of individuals requiring psychiatric care.

S. 73. An act relating to workers’ compensation coverage for firefighters with cancer.

S. 89. An act relating to establishing a forensic facility.

S. 91. An act relating to competency to stand trial and insanity as a defense.

S. 138. An act relating to school safety.

The Governor has informed the Senate that on the 31st day of May, he approved and signed bills originating in the Senate of the following titles:

S. 17. An act relating to sheriff reforms.

S. 48. An act relating to regulating the sale of catalytic converters.

S. 95. An act relating to banking and insurance.

S. 112. An act relating to miscellaneous subjects related to the Public Utility Commission.

The Governor has informed the Senate that on May 31, 2023, he returned without signature and *vetoed* a bill originating in the Senate of the following title:

S. 39. An act relating to compensation and benefits for members of the Vermont General Assembly.

Text of Communication from Governor

The text of the communication from His Excellency, the Governor, whereby he vetoed and returned unsigned **Senate Bill No. S. 39**, to the Senate is as follows:

May 31, 2023

The Honorable John Bloomer, Jr.
Secretary of the Senate
115 State House
Montpelier, VT 05633-5401

Dear Mr. Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I'm returning S.39, *An act relating to compensation and benefits for members of the Vermont General Assembly*, without my signature because of my objections described herein.

This year, the General Assembly passed several pieces of legislation that will significantly increase costs for Vermonters through new and higher taxes, fees and penalties. In my opinion, it does not seem fair for legislators to insulate themselves from the very costs they are imposing on their constituents by doubling their own future pay.

Sincerely,
/s/Philip B. Scott
Governor

The Governor has informed the Senate that on the 1st day of June, he approved and signed bills originating in the Senate of the following titles:

S. 14. An act relating to a report on criminal justice-related investments and trends.

S. 99. An act relating to miscellaneous changes to laws related to vehicles.

S. 115. An act relating to miscellaneous agricultural subjects.

S. 135. An act relating to the establishment of VT Saves.

S. 137. An act relating to energy efficiency modernization.

The Governor has informed the Senate that on June 1, 2023, he returned without signature and *vetoed* a bill originating in the Senate of the following title:

S. 6. An act relating to law enforcement interrogation policies.

Text of Communication from Governor

The text of the communication from His Excellency, the Governor, whereby he vetoed and returned unsigned **Senate Bill No. S. 6**, to the Senate is as follows:

June 1, 2023

The Honorable John Bloomer
Secretary of the Senate
115 State Street
Montpelier, VT 05633

Dear Secretary Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I'm returning S.6, *An Act Relating to Law Enforcement Interrogation Policies* without my signature because of my objections described below.

This bill started out as a reasonable approach to expand existing constitutional protections prohibiting deceptive and coercive interrogations for juvenile offenders under the age of 18. As passed, this bill would make Vermont an outlier by offering these expanded protections to young adult offenders up to the age of 22, despite Vermont's already robust constitutional protections. There was uniform testimony in opposition to this bill from the entities charged with promoting public safety, including crime victim services and

child advocacy centers, that this bill will remove tools from law enforcement used to investigate very serious, violent crimes at a time when our communities are not feeling safe and are asking us to do more.

This bill would make it more difficult to investigate and prosecute young adult perpetrators involved in serious crimes, such as narcotics trafficking, sex offenses, including sexual assaults that happen on college campuses and child sex abuse cases, and internet crimes against children.

For this reason, I'm returning this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution.

Sincerely,
/s/Philip B. Scott
Governor

The Governor has informed the Senate that on the 5th day of June, he approved and signed bills originating in the Senate of the following titles:

S. 33. An act relating to miscellaneous judiciary procedures.

S. 100. An act relating to housing opportunities made for everyone.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 6th day of June 2023, he signed bills originating in the House of the following titles:

H. 45 An act relating to abusive litigation filed against survivors of domestic abuse, stalking, or sexual assault

H. 94 An act relating to removing the Reach Up ratable reduction

H. 102 An act relating to the Art in State Buildings Program

H. 206 An act relating to miscellaneous changes affecting the duties of the Department of Vermont Health Access

H. 492 An act relating to setting the homestead property tax yields and the nonhomestead property tax rate

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 6th day of June 2023, he returned without signature and *vetoed* a bill originating in the House of Representatives of the following title:

H. 217 An act relating to child care, early education, workers' compensation, and unemployment insurance

Governor's Veto Letter

“June 6, 2023

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
State House
Montpelier, VT 05633

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I'm returning H.217, *An act relating to childcare, early education, workers' compensation, and unemployment insurance*, without my signature because of my objections described herein:

Increasing the availability and affordability of childcare has been a priority throughout my time as Governor. In fact, in my first six years in office we doubled our investments in childcare and these appropriations would be substantially higher had previous legislatures supported fully funding my proposals.

I also put forward a plan in 2018 to dedicate tens of millions of dollars in new online sales tax revenue to childcare. If the Legislature had supported this proposal, we would be investing an additional \$62 million this year alone, and much more in future years. And last year we expanded childcare subsidies to 350% of the federal poverty level. To put that in perspective, a four-member household (e.g., two adults and two children) earning \$105,000 per year is currently eligible for subsidies.

Knowing the Legislature and I both wanted to “go big” on childcare this year, I dedicated \$56 million in organic, ongoing base revenue growth to expand eligibility to families making up to 400% of the Federal Poverty Level (FPL). This would put Vermont at the top of the list of the most generous childcare states in the nation, giving households earning up to \$120,000 per year access to support, and helping about 4,000 more kids.

When the Senate and House were at stalemate in May, my team offered legislative leaders another path, expanding subsidies even higher (to 450% of

the Federal Poverty Level) and funding a 10 percent increase in provider rates, without relying on new and regressive taxes.

In total this compromise would have covered 6,000 more kids than our existing investment, helping families making up to \$135,000 a year, and definitively establishing Vermont as the state most committed to affordable, accessible childcare for working families.

Unfortunately, there was no interest. Instead, the Legislature remained determined to raise a new tax. Ultimately landing on a regressive payroll tax that, if you are a lower income Vermonter already receiving free childcare, you will have to pay a tax, with no added benefit to you, so that families with higher incomes get support.

Vermont already has one of the highest tax burdens in the nation. The last thing we should be doing is making it worse. Raising new revenue from taxes and fees should be a last resort, not a first step.

Supporters of raising taxes and fees will always point to the relatively small amount raised for each individual program or service – trying to suggest it is not that much money. But that type of narrow here-and-there thinking adds up, year after year, and has made living in Vermont increasingly unaffordable.

For these reasons, I had to veto this regressive tax plan.

Sincerely,

Philip B. Scott
Governor
PBS/kp”

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 8th day of June 2023, he signed bills originating in the House of the following titles:

- H. 125 An act relating to boards and commissions**
- H. 157 An act relating to the Vermont basic needs budget**
- H. 452 An act relating to expanding apprenticeship and other workforce opportunities**
- H. 481 An act relating to public health initiatives to address death by suicide**

- H. 488 An act relating to approval of the adoption of the charter of the Town of Ludlow**
- H. 489 An act relating to approval of an amendment to the charter of the Town of Shelburne**
- H. 504 An act relating to approval of amendments to the charter of the Town of Berlin**
- H. 505 An act relating to approval of an amendment to the charter of the City of Rutland**

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 12th day of June 2023, he signed bills originating in the House of the following titles:

- H. 31 An act relating to aquatic nuisance control**
- H. 67 An act relating to household products containing hazardous substances**
- H. 227 An act relating to the Vermont Uniform Power of Attorney Act**
- H. 414 An act relating to establishing an unused drug repository for Vermont**
- H. 479 An act relating to the Transportation Program and miscellaneous changes to laws related to transportation**

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 12th day of June 2023, *he allowed to become law without his signature* a bill originating in the House of the following title:

- H. 126 An act relating to community resilience and biodiversity protection**

Governor's Letter

“June 12, 2023

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
115 State Street
Montpelier, VT 05633

Dear Ms. Wrask:

Today I'm allowing H.126, *An act relating to community resilience and biodiversity protection*, to become law without my signature.

I appreciate the General Assembly worked with my Administration to address the concerns I raised last year in my veto message regarding H.606, *An act relating to community resilience and biodiversity protection*. This bill changed in ways that attempt to better align with ongoing conservation work in Vermont.

Unfortunately, in the effort to achieve flexibility, this bill incorporates findings which muddy the purpose and uses definitions so broad and vague as to be virtually meaningless. Which led me to consider a veto because it could be read to mean anything to anybody.

Instead, I'm letting this bill go into law because this bill puts the Agency of Natural Resources (ANR) in a stronger position to direct how state and federal conservation funding is targeted and prioritized in the future. ANR will oversee the efforts of the Vermont Housing Conservation Board (VHCB) as it works in partnership with ANR to develop inventories as well as strategy and implementation methods.

Importantly, ANR will be the clear lead in the effort to achieve our conservation goals with the understanding future growth is necessary and inevitable in Vermont.

This bill anticipates the need for housing and for the conservation plan to incorporate Smart Growth principles to ensure future conservation investment does not impede the buildout of areas the state has designated for growth. Balancing land protection and housing is core to the State's future and this bill will allow ANR to work closely with VHCB to ensure this critical balance in the planning process.

Finally, ANR is positioned to interpret the bill's unusually unclear definitions, through rulemaking if necessary, to allow a mix of strategies to include permanent tools like land purchases and conservation easements, as well as other land protection mechanisms that help achieve the bill's goal of an ecologically functional and connected landscape such as the State's Current

Use program and other innovative market-based conservation tools.

The bottom line is I'm allowing this bill to go into law because in this case, the Legislature has appropriately given this task to an Agency of the Executive Branch that will be accountable to Vermont's taxpayers.

Sincerely,

Philip B. Scott
Governor
PBS/kp”

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 14th day of June 2023, he signed bills originating in the House of the following titles:

- H. 127 An act relating to sports wagering**
- H. 461 An act relating to making miscellaneous changes in education laws**
- H. 470 An act relating to miscellaneous amendments to alcoholic beverage laws**
- H. 480 An act relating to property valuation and reappraisals**
- H. 493 An act relating to capital construction and State bonding**

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 14th day of June 2023, *he allowed to become law without his signature* bills originating in the House of the following titles:

- H. 165 An act relating to school food programs and universal school meals**
- H. 270 An act relating to miscellaneous amendments to the adult-use and medical cannabis programs**

Governor's Letter

“June 14, 2023

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
115 State Street
Montpelier, VT 05633

Dear Ms. Wrask:

Vermonters have made their ongoing concerns about the affordability of our state abundantly clear. Despite these concerns and my efforts, legislative action this year has added a new, approximately \$100 million payroll tax; \$20 million in unnecessary DMV fee increases; hundreds of millions in additional cost pressures that will come as a result of the override of my veto of the clean heat standard bill; an unsustainable \$70 million increase in base budget spending over my recommendation; an eventual doubling of their own pay and benefits; and more.

With H.165, the Legislature has added \$20-30 million in property tax pressure to pay for school meals for all students, including those from affluent families. This will be paid for by all Vermonters, including those with low incomes. That's not progressive education funding policy, it's regressive policy that hurts the very families we are trying to help.

I know a veto would in all reality be overridden, and further distract us from the work we should be prioritizing for our kids, like reversing pandemic learning loss; addressing declining math and reading scores; addressing youth mental health challenges (which inhibit learning); and more.

Therefore, I'm allowing H.165, *An act relating to school food programs and universal school meals*, to become law without my signature. And I ask the Legislature to rethink this sincere but regressive policy in the future, so working Vermonters are not paying for the meals of families who could better afford it.

Sincerely,

Philip B. Scott
Governor
PBS/kp”

Governor's Letter

“June 14, 2023

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
115 State Street
Montpelier, VT 05633

Dear Ms. Wrask:

Today I'm allowing H.270, *An act relating to miscellaneous amendments to the adult-use and medical cannabis programs*, to become law without my signature.

I'm concerned this bill repeals the sunset of the Cannabis Control Board (CCB), a change which appears minor, but in fact has substantive consequences for the principle of separation of powers.

I understand there is a need for an alternative structure for regulating controlled substances that remain federally illegal so that we do not compromise federal funding. However, when removing the sunset on the CCB, the statutory authority of the CCB needs to be clarified to ensure constitutionality and accountability to the governor.

Like the Department of Liquor and Lottery, the CCB exercises the police powers of the governor. It has investigators and enforcement agents. It has substantial rulemaking authority which affects the rights and obligations of licensees. The CCB is not a legislative body, nor is it quasi-judicial. The Legislature has no authority to delegate the Constitutional power of the governor to faithfully execute the laws to an entity that is now permanently independent of the executive branch and is, therefore, not accountable to the people of Vermont. Constitutionally, the CCB must be accountable to the governor as part of the Executive Branch.

My concerns have nothing to do with the capabilities of the current CCB. I believe my appointees have done a thorough job starting up and regulating the legal cannabis marketplace in Vermont. However, the current law establishes the CCB as an “independent commission” with its members vetted through a nominating board made up primarily of legislators who submit candidates to the governor. Once appointed, CCB members may only be removed for cause by the other two CCB members. The CCB has added staff, taken over the regulation of medical cannabis and the medical registry, and grown to be an approximately 22-member department. As an independent entity, the CCB regulates a multi-million-dollar industry with no oversight. Again, while I have complete confidence in the current CCB, this lack of oversight creates the risk for future mismanagement, conflicts of interest and other harmful impacts.

Fortunately, current law does not “notwithstanding” applicable law which makes clear that the members of the CCB serve at the pleasure of the governor. For this reason, I’m letting this bill go into law without my signature because I’m confident the members of the CCB, and hopefully the Legislature, will work with me to pass legislation to make the modifications necessary to clarify the statutory authority of the CCB is constitutional.

Sincerely,

Philip B. Scott
Governor
PBS/kp”

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 19th day of June 2023, he signed bills originating in the House of the following titles:

- H. 175 An act relating to modernizing the Children and Family Council for Prevention Programs**
- H. 291 An act relating to the creation of the Cybersecurity Advisory Council**
- H. 471 An act relating to technical and administrative changes to Vermont's tax laws**
- H. 472 An act relating to miscellaneous agricultural subjects**
- H. 476 An act relating to miscellaneous changes to law enforcement officer training laws**
- H. 482 An act relating to Vermont Criminal Justice Council recommendations for law enforcement officer training**
- H. 490 An act relating to approving the merger of the Village of Lyndonville with the Town of Lyndon**