

# Senate Calendar

WEDNESDAY, MARCH 13, 2024

SENATE CONVENES AT: 1:00 P.M.

## TABLE OF CONTENTS

Page No.

### ACTION CALENDAR

#### NEW BUSINESS

##### Third Reading

- S. 109** An act relating to Medicaid coverage for doula services..... 513
- S. 189** An act relating to mental health response service protocols.....513
- S. 191** An act relating to New American Advancement Grant Applicants...513
- J.R.S. 41** Joint resolution requesting that the U. S. Postal Service reestablish, as rapidly as possible, a full-service U.S. Post Office in downtown Montpelier.....513

##### Second Reading

#### Favorable with Proposal of Amendment

- H. 518** An act relating to the approval of amendments to the charter of the Town of Essex  
Government Operations Report - Sen. Vyhovsky ..... 513

### NOTICE CALENDAR

##### Second Reading

#### Favorable with Recommendation of Amendment

- S. 197** An act relating to the procurement and distribution of products containing perfluoroalkyl and polyfluoroalkyl substances and monitoring adverse health conditions attributed to perfluoroalkyl and polyfluoroalkyl substances  
Health and Welfare - Sen. Williams ..... 514
- S. 204** An act relating to reading assessment and intervention  
Education Report - Sen. Gulick ..... 515
- S. 258** An act relating to the management of fish and wildlife  
Natural Resources and Energy Report - Sen. Bray ..... 526

### ORDERED TO LIE

- S. 94** An act relating to the City of Barre tax increment financing district...536



---

---

**ORDERS OF THE DAY**

---

---

**ACTION CALENDAR**

**NEW BUSINESS**

**Third Reading**

**S. 109.**

An act relating to Medicaid coverage for doula services.

**S. 189.**

An act relating to mental health response service protocols.

**S. 191.**

An act relating to New American Advancement Grant Applicants.

**J.R.S. 41.**

Joint resolution requesting that the U. S. Postal Service reestablish, as rapidly as possible, a full-service U.S. Post Office in downtown Montpelier.

**Second Reading**

**Favorable with Proposal of Amendment**

**H. 518.**

An act relating to the approval of amendments to the charter of the Town of Essex.

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

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 2, 24 App. V.S.A. chapter 117 (Town of Essex), in section 701 (fiscal year), following the words “first day of July” by striking out the words “and end on the last day of June”

(Committee vote: 6-0-0)

(For House amendments, see House Journal for January 23, 2024, page 137.)

## NOTICE CALENDAR

### Second Reading

#### Favorable with Recommendation of Amendment

#### S. 197.

An act relating to the procurement and distribution of products containing perfluoroalkyl and polyfluoroalkyl substances and monitoring adverse health conditions attributed to perfluoroalkyl and polyfluoroalkyl substances.

**Reported favorably with recommendation of amendment by Senator Williams for the Committee on Health and Welfare.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

#### Sec. 1. IMPLEMENTATION PLAN; CONSUMER PRODUCTS CONTAINING PFAS

(a) The Agency of Natural Resources, in consultation with the Agency of Agriculture, Food and Markets; the Department of Health; and the Office of the Attorney General shall propose a program requiring the State to identify and restrict the sale and distribution of consumer products containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) that could impact public health and the environment. The proposed program shall:

(1) identify categories of consumer products that could have an impact on public health and environmental contamination;

(2) propose a process by which manufacturers determine whether a consumer product contains PFAS and how that information is communicated to the State;

(3) address how information about the presence or lack of PFAS in a consumer product is conveyed to the public;

(4) describe which agency or department is responsible for administration of the proposed program, including what additional staff, information technology changes, and other resources, if any, are necessary to implement the program;

(5) determine whether and how other states have structured and implemented similar programs and identify the best practices used in these efforts;

(6) propose definitions of “intentionally added,” “consumer product,” and “perfluoroalkyl and polyfluoroalkyl substances”; and

(7) propose a related public service announcement program and website content to inform the public and health care providers about the potential public health impacts of exposure to PFAS and actions that can be taken to reduce risk.

(b) The Agency of Natural Resources shall obtain input on its recommendation from interested parties, including those that represent environmental, agricultural, and industry interests.

(c) On or before November 1, 2024, the Agency of Natural Resources shall submit an implementation plan developed pursuant to this section and corresponding draft legislation to the House Committees on Environment and Energy and on Human Services and the Senate Committees on Health and Welfare and on Natural Resources and Energy.

(d) For the purposes of this section, “consumer products” includes restricted and nonrestricted use pesticides.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

And that after passage the title of the bill be amended to read:

An act relating to restricting perfluoroalkyl and of polyfluoroalkyl substances in consumer products

(Committee vote: 5-0-0)

## S. 204.

An act relating to reading assessment and intervention.

**Reported favorably with recommendation of amendment by Senator Gulick for the Committee on Education.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Findings \* \* \*

## Sec. 1. FINDINGS

The General Assembly finds that:

(1) Literacy, particularly in early grades, is critical for success in future education, work, and life.

(2) Roughly half of Vermont students are still at or below proficiency.

(3) Research in recent years is clear. We know how to teach reading in a proven, evidence-based manner. Yet outdated practices linger in classrooms and in educator preparation programs.

\* \* \* Reading Assessment and Intervention \* \* \*

Sec. 2. 16 V.S.A. § 2907 is added to read:

§ 2907. KINDERGARTEN THROUGH GRADE THREE READING  
ASSESSMENT AND INTERVENTION

(a)(1) Annually, the Agency of Education shall update and publish a list of reviewed universal reading screeners and assessments to be used by supervisory unions and approved independent schools for determining reading skills and identifying students in kindergarten through grade three demonstrating reading struggles or showing characteristics associated with dyslexia.

(2) The Agency's review of universal reading screeners and assessments shall include a review of the evidence base of the screeners and assessments. In publishing the list required under subdivision (1) of this subsection, the Agency shall issue guidance on measuring skills based on grade-level predictive measures, including:

- (A) phonemic awareness;
- (B) letter naming;
- (C) letter sound correspondence;
- (D) real- and nonword reading;
- (E) oral text reading accuracy and rate;
- (F) comprehension;
- (G) handwriting; and
- (H) spelling inventory.

(3) The screeners shall align with assessment guidance from the Agency, including that they shall, at a minimum:

- (A) be brief;
- (B) assist in identifying students at risk for or currently experiencing reading deficits; and
- (C) produce data that inform decisions related to the need for additional, targeted assessments and necessary layered supports, accommodations, interventions, or services for students, in accordance with existing federal and State law.

(b) All public schools and approved independent schools shall screen all students in kindergarten through grade three using age and grade-level appropriate universal reading screeners. The universal screeners shall be given in accordance with best practices and the technical specifications of the specific screener used. The Agency shall include in its guidance issued pursuant to subdivision (a)(2) of this section instances in which public and approved independent schools can leverage assessments that meet overlapping requirements and guidelines to maximize the use of assessments that provide the necessary data to understand student needs while minimizing the number of assessments used and the disruption to instructional time.

(c) Additional diagnostic assessment and evidence-based curriculum and instruction for students demonstrating a substantial deficit in reading or dyslexia characteristics shall be determined by data-informed decision-making within existing processes in accordance with required federal and State law. Specific instructional content, programs, strategies, interventions, and other identified supports for individual students shall be documented in the most appropriate plan informed by assessment and other data and as determined through team-based decision making. These plans may include, as applicable, an education support team (EST) plan, 504 plan, individualized education plan, and a personalized learning plan. These plans shall include the following:

(1) the student's specific reading deficit as determined or identified by diagnostic assessment data;

(2) the goals and benchmarks for growth;

(3) the type of evidence-based instruction and supports the student will receive; and

(4) the strategies and supports available to the student's parent or legal guardian to support the student to achieve reading proficiency.

(d) Public and approved independent schools shall not use instructional strategies that do not have an evidence base, such as the three-cueing system. Evidence-based reading instructional practices, programs, or interventions provided pursuant to subsection (c) of this section shall be effective, explicit, systematic, and consistent with federal and State guidance and shall address the foundational concepts of literacy proficiency, including phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(e) The parent or guardian of any kindergarten through grade three student who exhibits a reading deficit at any time during the school year shall be notified in writing not later than 30 days after the identification of the reading deficit. Written notification shall contain information consistent with the documentation requirements contained in subsection (d) of this section and shall follow the Agency’s recommendations for such notification.

(f) Each local school district and approved independent school shall engage local stakeholders, as defined by the school district or approved independent school, to discuss the importance of reading and solicit suggestions for improving literacy and plans to increase reading proficiency.

(g) The Agency shall provide professional learning opportunities for educators in evidence-based reading instructional practices that address the areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(h) Each supervisory union and approved independent school shall annually report, in writing, to the Agency the following information and prior year performance, by school:

(1) the number and percentage of students in kindergarten through grade three performing below proficiency on local and statewide reading assessments, as applicable;

(2) the universal reading screeners utilized;

(3) the number and percentage of students identified with a potential reading deficit; and

(4) growth measure assessment data.

(i) On or before January 15 of each year, the Agency shall issue a written report to the Governor and the Senate and House Committees on Education on the status of State progress to improve literacy learning. The report shall include the information required pursuant to subsection (h) of this section.

### Sec. 3. PARENTAL NOTIFICATION; AGENCY OF EDUCATION RECOMMENDATIONS

On or before November 1, 2024, the Agency of Education shall develop and issue recommendations for the substance and form of the parental or guardian notification required under 16 V.S.A. § 2907(e). The Agency’s recommendations shall be consistent with applicable State and federal law as well as legislative intent.



Sec. 4. REVIEWED READING SCREENERS; AGENCY OF EDUCATION;  
REPORT

On or before January 15, 2025, the Agency of Education shall submit a written report to the Senate and House Committees on Education with a list of the reviewed universal reading screeners and assessments it has published pursuant to 16 V.S.A. § 2907. The Agency shall include any information it deems relevant to provide an understanding of the list of reviewed screeners and assessments.

Sec. 5. 16 V.S.A. § 2903 is amended to read:

§ 2903. PREVENTING EARLY SCHOOL FAILURE; READING  
INSTRUCTION

(a) Statement of policy. The ability to read is critical to success in learning. Children who fail to read by the end of the first grade will likely fall further behind in school. The personal and economic costs of reading failure are enormous both while the student remains in school and long afterward. All students need to receive systematic and explicit evidence-based reading instruction in the early grades from a teacher who is skilled in teaching the foundational components of reading through a variety of instructional strategies that take into account the different learning styles and language backgrounds of the students, including phonemic awareness, phonics, fluency, vocabulary, and comprehension. ~~Some students may~~ Students who require intensive supplemental instruction tailored to the unique difficulties encountered shall be provided those additional supports by an appropriately licensed and trained education professional.

(b) Foundation for literacy.

(1) ~~The State Board~~ Agency of Education, in collaboration with the State Board of Education, the Agency of Human Services, higher education, literacy organizations, and others, shall develop a plan for establishing a comprehensive system of services for early education in ~~the first three grades~~ prekindergarten through third grade to ensure that all students learn to read by the end of the third grade. The plan shall be updated at least once every five years following its initial submission in 1998.

(2) Approved independent schools shall develop a grade-level appropriate school literacy plan that is informed by student needs and assessment data. The plan may include identification of a literacy vision, goals, and priorities and shall address the following topics:

(A) measures and indicators;

(B) screening, assessment, instruction and intervention, and progress monitoring, consistent with section 2907 of this title; and

(C) professional development for all unlicensed teachers consistent with subsection 1710(b) of this title.

(c) Reading instruction. A public school that offers instruction in grades ~~prekindergarten, kindergarten, one, two, or three~~ shall provide ~~highly effective, research-based systemic and explicit evidence-based~~ reading instruction to all students. In addition, a school shall provide:

(1) supplemental reading instruction to any enrolled student ~~in grade four~~ whose reading proficiency falls below ~~third grade reading expectations proficiency standards for the student's grade level or whose reading proficiency prevents success in school, as identified using the tiered system of supports, as defined under subdivision 164(9)~~ section 2902 of this title;

(2) supplemental reading instruction to any enrolled student ~~in grades 5-12~~ whose reading proficiency creates a barrier to the student's success in school; and

(3) support and information to parents and legal guardians.

#### Sec. 6. LITERACY PLAN IMPLEMENTATION; APPROVED INDEPENDENT SCHOOLS

All approved independent schools shall develop a grade-level appropriate school literacy plan pursuant to 16 V.S.A. § 2903(b)(2) on or before January 1, 2025.

\* \* \* Literacy Professional Learning\* \* \*

Sec. 7. 16 V.S.A. § 1710 is added to read:

#### § 1710. LITERACY PROFESSIONAL LEARNING

(a) Definition. As used in this section, "professionally licensed" means a nonconditional, current license comparable to a level I or level II Vermont educator license and does not include provisional, emergency, teaching intern, or apprenticeship licenses or their equivalent in other states.

(b) Professionally licensed educators.

(1) On or before July 1, 2027, all professionally licensed Vermont teachers employed in a Vermont public or approved independent school shall complete a program of professional learning on evidence-based literacy instruction developed and offered or approved by the Vermont Agency of Education.

(2) After July 1, 2026, all newly professionally licensed Vermont teachers employed in a Vermont public or approved independent school shall complete a program of professional learning on evidenced-based literacy instruction developed and offered or approved by the Agency before the end of the teacher's second year of teaching.

(3) Professional learning programs approved by the Agency pursuant to this section shall be substantially similar in content to professional learning programs developed and offered by the Agency pursuant to this section.

(c) Unlicensed teachers employed by an approved independent school. On or before July 1, 2027, all unlicensed teachers employed by an approved independent school shall complete an explicit, evidence-based literacy instruction professional development program. The professional development program shall be approved by the approved independent school and may be differentiated by grade level, role, and experience and may account for prior training. Unlicensed teachers hired by an approved independent school on or after July 1, 2026 shall complete a professional development program pursuant to this subsection within one year after hire. An approved independent school shall maintain a record of completion of professional development consistent with this provision.

#### Sec. 8. RESULTS-ORIENTED PROGRAM APPROVAL

(a) On or before July 1, 2025, the Agency of Education shall submit recommendations to the Vermont Standards Board for Professional Educators on how to strengthen educator preparation programs' teaching of evidence-based literacy practices. The Agency shall also simultaneously communicate its recommendations to Vermont's educator preparation programs and submit its recommendations in writing to the Senate and House Committees on Education.

(b) On or before July 1, 2026, the Vermont Standards Board for Professional Educators shall consider the Agency's recommendations pursuant to subsection (a) of this section and, as appropriate, update the educator preparation requirements in Agency of Education, Licensing of Educators and the Preparation of Educational Professionals (5000) (CVR 022-000-010).

(c) As part of its review under subsection (a) of this section, the Agency shall make recommendations to the Vermont Standards Board for Professional Educators regarding whether an additional mandatory examination is needed to assess candidates for educator licensure skills in mathematics and English language arts fundamentals, as well as candidates' understanding of the importance of evidence-based approaches to literacy and numeracy, beyond the requirements in Agency of Education, Licensing of Educators and the

Preparation of Educational Professionals (5000) (CVR 022-000-010) in effect during the period of the Agency's review.

\* \* \* Advisory Council on Literacy \* \* \*

Sec. 9. 16 V.S.A. § 2903a is amended to read:

§ 2903a. ADVISORY COUNCIL ON LITERACY

(a) Creation. There is created the Advisory Council on Literacy. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes.

(b) Membership. The Council shall be composed of the following ~~16~~ 19 members:

(1) ~~eight~~ nine members who shall serve as ex officio members:

(A) the Secretary of Education or designee;

(B) a member of the Standards Board for Professional Educators who is knowledgeable in licensing requirements for teaching literacy, appointed by the Standards Board;

(C) the Executive Director of the Vermont Superintendents Association or designee;

(D) the Executive Director of the Vermont School Boards Association or designee;

(E) the Executive Director of the Vermont Council of Special Education Administrators or designee;

(F) the Executive Director of the Vermont Principals' Association or designee;

(G) the Executive Director of the Vermont Independent Schools Association or designee; ~~and~~

(H) the Executive Director of the Vermont-National Education Association or designee; and

(I) the State Librarian or designee;

(2) eight members who shall serve two-year terms:

(A) a representative, appointed by the Vermont Curriculum Leaders Association;

(B) three teachers, appointed by the Vermont-National Education Association, who teach literacy, one of whom shall be a special education literacy teacher and two of whom shall teach literacy to students in prekindergarten through grade three;

(C) three community members who have struggled with literacy proficiency or supported others who have struggled with literacy proficiency, one of whom shall be a high school student, appointed by the Agency of Education in consultation with the Vermont Family Network; and

(D) one member appointed by the Agency of Education who has expertise in working with students with dyslexia; and

(3) two faculty members of approved educator preparation programs located in Vermont, one of whom shall be employed by a private college or university, appointed by the Agency of Education in consultation with the Association of Vermont Independent Colleges, and one of whom shall be employed by a public college or university, appointed by the Agency of Education in consultation with the University of Vermont and State Agricultural College and the Vermont State Colleges Corporation.

\* \* \*

(d) Powers and duties. The Council shall advise the Agency Secretary of Education, ~~the State Board of Education, and the General Assembly~~ on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes and shall:

(1) advise the ~~Agency of Education~~ Secretary on how to:

(A) update section 2903 of this title;

(B) implement the statewide literacy plan required by section 2903 of this title and whether, based on its implementation, changes should be made to the plan; and

(C) maintain the statewide literacy plan;

(2) advise the ~~Agency of Education~~ Secretary on what services the Agency should provide to school districts to support implementation of the plan and on staffing levels and resources needed at the Agency to support the statewide effort to improve literacy;

(3) develop a plan for collecting literacy-related data that informs:

(A) literacy instructional practices;

(B) teacher professional development in the field of literacy;

(C) what proficiencies and other skills should be measured through literacy assessments and how those literacy assessments are incorporated into local assessment plans; and

(D) how to identify school progress in achieving literacy outcomes, including closing literacy gaps for students from historically underserved populations;

(4) recommend best practices for Tier 1, Tier 2, and Tier 3 literacy instruction within the multitiered system of supports required under section 2902 of this title to best improve and sustain literacy proficiency; and

(5) review literacy assessments and outcomes and provide ongoing advice as to how to continuously improve those outcomes and sustain that improvement.

\* \* \*

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Council to occur on or before August 1, 2021.

(2) The Council shall select a chair from among its members.

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

(4) The Council shall meet not more than ~~eight~~ four times per year.

(g) Assistance. The Council shall have the administrative, technical, and legal assistance of the Agency of Education.

(h) Compensation and reimbursement. Members of the Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than ~~eight~~ four meetings of the Council per year.

Sec. 10. 2021 Acts and Resolves No. 28, Sec. 7 is amended to read:

Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY

16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is repealed on June 30, ~~2024~~ 2027.

\* \* \* Agency of Education Literacy Position \* \* \*

Sec. 11. 2021 Acts and Resolves No. 28, Sec. 4(a) is amended to read:

(a) There is appropriated to the Agency of Education from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022 the amount of \$450,000.00 for the costs of the contractor or

contractors under Sec. 3 of this act for fiscal years 2022, 2023, and 2024. The Agency may shift the use of this funding from the contractor or contractors to a limited service position ~~that would expire at the end of fiscal year 2024~~ within the Agency focused on coordinating the Statewide literacy efforts.

Sec. 12. AGENCY OF EDUCATION; LITERACY POSITION;  
APPROPRIATION

(a) The conversion of the limited service position within the Agency of Education authorized pursuant to 2021 Acts and Resolves No. 28, Sec. 4(a) to a classified permanent status is authorized in fiscal year 2025.

(b) The sum of \$150,000.00 is appropriated from the General Fund to the Agency of Education in fiscal year 2025 for personal services and operating expenses for the position converted pursuant to subsection (a) of this section.

\* \* \* Expanding Early Childhood Literacy Resources \* \* \*

Sec. 13. EXPANDING EARLY CHILDHOOD LITERACY RESOURCES;  
REPORT

On or before January 15, 2025, the Department of Libraries shall submit a written report to the Senate and House Committees on Education with recommendations for expanding access to early childhood literacy resources with a focus on options that target low-income or underserved areas of the State. Options considered by the Advisory Council shall include State or local partnership with or financial support for book gifting programs, book distribution programs, and any other compelling avenue for supporting early childhood literacy in Vermont.

\* \* \* Effective Date \* \* \*

Sec. 14. EFFECTIVE DATE

This act shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to supporting Vermont's young readers through evidence-based literacy instruction

(Committee vote: 5-0-0)

**S. 258.**

An act relating to the management of fish and wildlife.

**Reported favorably with recommendation of amendment by Senator Bray for the Committee on Natural Resources and Energy.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Fish and Wildlife Board; Governance \* \* \*

Sec. 1. 10 V.S.A. §§ 4041 and 4042 are amended to read:

§ 4041. DEPARTMENT OF FISH AND WILDLIFE; FISH AND WILDLIFE BOARD; MEMBERS, TERM, CHAIR

(a) There is hereby established a Department of Fish and Wildlife ~~that shall be administered by the Commissioner.~~ The Department shall be under the direction and supervision of a Commissioner appointed by the Secretary as provided in 3 V.S.A. § 2851. In addition to the duties and powers provided under this chapter, the Commissioner shall have the powers and duties specified in 3 V.S.A. § 2852 and such additional duties as may be assigned to the Commissioner by the Secretary under 3 V.S.A. § 2853. The Commissioner shall implement the policy and purposes specified in section 4081 of this title where appropriate and to the extent that resources of the Department permit.

(b)(1) There is hereby established a Fish and Wildlife Board. The purpose of the Board shall be to serve in an advisory capacity to the Department of Fish and Wildlife in the establishment of Department rules and any policies therein regarding the management and conservation of wildlife in the State, except for establishment of rules and policies related to wildlife regulated under chapter 123 of this title.

(2) ~~The Board shall consist of 14~~ 15 members, one from each county, ~~appointed by the Governor with the advice and consent of the Senate and one at large member.~~ Five members of the Board shall be appointed by the Commissioner, five members of the Board shall be appointed by the Speaker of the House, and five members of the Board shall be appointed by the Committee on Committees. The members of the Board shall be appointed for a term of six years, or ~~the~~ the unexpired portion thereof, and during their terms ~~the~~ the 14 members appointed by county shall reside in the county from which they are appointed. In the event a member ~~resigns or no longer resides in the county from which he or she~~ the member was appointed, the ~~Governor~~ authority that appointed the member shall appoint a new member from that county for the unexpired portion of the term. Appointments shall be made in ~~such~~ a manner that either two or three terms shall expire each year. A member



servicing a full six-year term shall not be eligible for reappointment shall be eligible to serve a maximum of two full six-year terms. The Governor Commissioner shall biennially designate a chair.

(3) In order to be appointed to the Board, a person shall apply in writing to the appointing authority. The appointing authority shall acknowledge, in writing, the receipt of each application.

(4) In considering applicants to the Board, the appointing authority shall give due consideration to:

(A) the need for the Board members to have a history of involvement with and dedication to fish and wildlife, including a knowledge of fish and wildlife biology, ecology, and the ethics of fish and wildlife management;

(B) the need for the Board to have a balanced representation and include members of the public representing an approximately equal number of licensed users and nonlicensed users of wildlife; and

(C) coordinating their appointments to ensure the appropriate composition of the board as required by this subsection (b).

(5) As used in this subsection:

(A) “licensed user of wildlife” means a person who has held a Vermont hunting, fishing, or trapping license in each of the previous five years prior to appointment; and

(B) “nonlicensed user of wildlife” means a person who has not held a Vermont hunting, fishing, or trapping license in any of the previous five years prior to appointment.

(c) Upon appointment, each Board member shall receive training from the Department on wildlife management and hunting ethics, such as the North American Model of Wildlife Conservation; wildlife biology; coexistence with wildlife; the reduction of conflict between humans and wildlife; and the impacts of climate change on fish and wildlife.

(d) Upon the filing of a proposed rule with the Secretary of State pursuant to 3 V.S.A. § 838, the Department shall submit the proposed rule to the Board for its review. After a public hearing and an opportunity for the public to submit written comments, the Board shall consider whether a proposed rule is designed to maintain the best health, population, viewing opportunities, and utilization levels of the regulated species and of other necessary or desirable species that are ecologically related to the regulated species and whether the rules are adequately supported by investigation and research conducted by the Department. If the Board, by majority vote, determines that a proposed rule

should be revised, it shall submit a written report to the Department setting forth its recommended revisions, and the reasons therefore, within 60 days following its receipt of a proposed rule. The Board shall include with its report the public comments it received. The Department shall consider fully any recommendations by the Board. If the Board's recommendations are not included in the rule, the Department shall issue a written explanation of why it did not include the Board's recommendations in the rule. The Board's written report and the Department's response thereto shall be included with the materials submitted to the Legislative Committee on Administrative Rules under 3 V.S.A. § 841.

§ 4042. ~~COMMISSIONER; APPOINTMENT~~

~~The Commissioner shall be appointed pursuant to the provisions of 3 V.S.A. § 2851. The Commissioner shall also be Executive Secretary of the Board. [Repealed.]~~

Sec. 2. 10 V.S.A. § 4081 is amended to read:

§ 4081. POLICY

(a)(1) As provided by Chapter II, § 67 of the Constitution of the State of Vermont, the fish and wildlife of Vermont are held in trust by the State for the benefit of the citizens of Vermont and shall not be reduced to private ownership. The State of Vermont, in its sovereign capacity as a trustee for the citizens of the State, shall have ownership, jurisdiction, and control of all of the fish and wildlife of Vermont.

(2) ~~The Commissioner of Fish and Wildlife shall manage and regulate the fish and wildlife of Vermont in accordance with the requirements of this part and the rules of the Fish and Wildlife Board, including the Department of Fish and Wildlife rules on Non-game Management as set forth in Code of Vermont Rules 12-010-028. The protection, propagation control, management, and conservation of fish, wildlife, and fur-bearing animals in this State are in the interest of the public welfare. It is in the public welfare to protect, manage, and conserve the fish and wildlife of the State and the habitats in which they reside. The State, through the Commissioner of Fish and Wildlife, shall safeguard the fish, and wildlife, and fur-bearing animals of the State for the people of the State, and the State shall fulfill this duty with a constant and continual vigilance.~~

~~(b) Notwithstanding the provisions of 3 V.S.A. § 2803, the Fish and Wildlife Board shall be the State agency charged with carrying out the purposes of this subchapter.~~

~~(e)~~ A healthy deer herd is ~~a primary goal~~ one of the most important goals of fish and wildlife management. The use of a limited unit open season on antlerless deer shall be implemented only after a scientific game management study by the Department of Fish and Wildlife supports such a season.

~~(d)~~(c) Annually, the Department shall update a scientific management study of the State deer herd. The study shall consider data provided by Department biologists and citizen testimony taken under subsection ~~(f)~~(e) of this section.

~~(e)~~(d) Based on the results of the updated management study and citizen testimony, the ~~Board~~ Department shall decide whether an antlerless deer hunting season is necessary and, if so, how many permits are to be issued. If the ~~Board~~ Department determines that an antlerless season is necessary, it shall adopt a rule creating one and the Department shall then administer an antlerless program.

~~(f)~~(e) Annually, the Department shall hold regional public hearings to receive testimony and data from concerned citizens about their knowledge and concerns about the deer herd. The ~~Board~~ Department shall identify the regions by rule.

~~(g)~~(f) If the ~~Board~~ Department finds that an antlerless season is necessary to maintain the health and size of the herd, the Department shall administer an antlerless deer program. Annually, the ~~Board~~ Department shall determine how many antlerless permits to issue in each wildlife management unit. For a nonrefundable fee of \$10.00 for residents and \$25.00 for nonresidents, a person may apply for a permit. Each person may submit only one application for a permit. The Department shall allocate the permits in the following manner:

(1) A Vermont landowner, as defined in section 4253 of this title, who owns 25 or more contiguous acres and who applies shall receive a permit for antlerless hunting in the management unit on which the land is located before any are given to people eligible under subdivision (2) of this subsection. If the land is owned by more than one individual, corporation, or other entity, only one permit shall be issued. Landowners applying for antlerless permits under this subdivision shall not, at the time of application or thereafter during the regular hunting season, post their lands except under the provisions of section 4710 of this title. As used in this section, "post" means any signage that would lead a reasonable person to believe that hunting is restricted on the land. If the number of landowners who apply exceeds the number of permits for that district, the Department shall award all permits in that district to landowners by lottery.

(2) Permits remaining after allocation pursuant to subdivision (1) of this subsection shall be issued by lottery.

(3) Any permits remaining after permits have been allocated pursuant to subdivisions (1) and (2) of this subsection shall be issued by the Department for a \$10.00 fee for residents. Ten percent of the remaining permits may be issued to nonresident applicants for a \$25.00 fee.

Sec. 3. 10 V.S.A. § 4082 is amended to read:

§ 4082. VERMONT FISH AND WILDLIFE REGULATIONS

(a) The ~~Board~~ Department may adopt rules, under 3 V.S.A. chapter 25, to be known as the “Vermont Fish and Wildlife Regulations” for the management of all wildlife and the regulation of fish and wild game and the taking thereof except as otherwise specifically provided by law. The rules shall be designed to maintain the best health, population, and utilization levels of the regulated species and of other necessary or desirable species that are ecologically related to the regulated species all wildlife. The rules shall be supported by investigation and research conducted by the Department on behalf of the Board the best science available through Department and peer reviewed research.

(b)(1) Except as provided for under subdivision (2) of this subsection, the ~~Board~~ Department annually may adopt rules relating to the management of migratory game birds, and shall follow the procedures for rulemaking contained in 3 V.S.A. chapter 25. For each ~~such~~ rule, the ~~Board~~ Department shall conduct a hearing but, when necessary, may schedule the hearing for a day before the terms of the rule are expected to be determined.

(2) Beginning with the 2015 hunting season, the ~~Board~~ Department may set by procedure the daily bag and possession limits of migratory game birds that may be harvested in each Waterfowl Hunting Zone annually without following the procedures for rulemaking contained in 3 V.S.A. chapter 25. The annual daily bag and possession limits of migratory game birds shall be consistent with federal requirements. Prior to setting the migratory game bird daily bag and possession limits, the ~~Board~~ Department shall provide a period of not less than 30 days of public notice and shall conduct at least two public informational hearings. The final migratory game bird daily bag and possession limits shall be enforceable by the Department under its enforcement authority in part 4 of this title.

(c) The ~~Board~~ Department may set by procedure the annual number of antlerless deer that can be harvested in each Wildlife Management Unit and the annual number of moose that can be harvested in each Wildlife Management Unit without following the procedures for rulemaking contained in 3 V.S.A. chapter 25. The annual numbers of antlerless deer and moose that can be harvested shall be supported by investigation and research conducted by the Department ~~on behalf of the Board~~. Prior to setting the antlerless deer and moose permit numbers, the ~~Board~~ Department shall provide a period of not less than 30 days of public notice and shall conduct at least three public informational hearings. The public informational hearings may be conducted simultaneously with the regional antlerless deer meetings required by 10 V.S.A. App. § 2b. The final annual antlerless deer and moose harvest permit numbers shall be enforceable by the Department under its enforcement authority in part 4 of this title. The final annual antlerless deer and moose harvest permit numbers shall be reported to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy as part of the annual deer report required under section 4084 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.

Sec. 4. 10 V.S.A. § 4048(d) is amended to read:

(d) The Commissioner of Fish and Wildlife, according to the provisions of 3 V.S.A. chapter 25 and after consultation with the Fish and Wildlife Board and the Endangered Species Committee, shall adopt a rule establishing a plan for nongame wildlife. The rule may be amended from time to time, and shall be reviewed, after public hearings, at least every five years. The plan shall contain:

- (1) strategies to manage, inventory, preserve, protect, perpetuate, and enhance all nongame wildlife in the State, including identification of wildlife species in need of protection and information on their population distributions, habitat requirements, limiting factors, and other pertinent biological and ecological data on nongame wildlife species in need of protection;
- (2) estimates of resources available for these strategies; and
- (3) plans for research and education in nongame wildlife.

Sec. 5. 10 V.S.A. § 4601 is amended to read:

§ 4601. TAKING FISH; POSSESSION

A person shall not take fish, except in accordance with this part and regulations of the ~~Board~~ Department, or possess a fish taken in violation of this part or regulations of the ~~Board~~ Department.

Sec. 6. 3 V.S.A. § 2803 is amended to read:

§ 2803. ADVISORY CAPACITY

(a) All boards, committees, councils, activities, and departments ~~which that~~ under this chapter are a part of the Agency shall be advisory only, except as hereinafter provided, and the powers and duties of such boards, committees, councils, activities, and departments, including administrative, policy making, rulemaking, and regulatory functions, shall vest in and be exercised by the Secretary of the Agency.

(b) Notwithstanding subsection (a) of this section or any other provision of this chapter, ~~the Fish and Wildlife Board and~~ the Natural Resources Board shall retain and exercise all powers and functions given to ~~them it~~ by law ~~which that~~ are of regulatory or quasi-judicial nature, including the power to adopt, amend, and repeal rules and regulations; to conduct hearings; to adjudicate controversies; and to issue and enforce orders, in the manner and to the extent to which those powers are given to ~~those respective boards~~ the Board by law.

Sec. 7. CONFORMING REVISIONS

When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Counsel shall make the following revisions throughout the statutes as needed for consistency with Secs. 1–6 of this act, provided the revisions have no other effect on the meaning of the affected statutes:

(1) replace “Board” with “Department” in 10 V.S.A. §§ 4605, 4701, 4702, 4742a, 4828, 4830, 4861, 4902, and 5001; and

(2) revisions that are substantially similar to those described in subdivision (1) of this section.

Sec. 8. TRANSITION

(a) The Vermont Fish and Wildlife regulations adopted by the Fish and Wildlife Board and in effect as of the effective date of this act shall remain in effect and have the full force and effect of law until such time as they are repealed or amended by the General Assembly by legislative act or by the Department of Fish and Wildlife pursuant to 3 V.S.A. chapter 25.

(b) The members of the Fish and Wildlife Board as of the effective date of this act shall continue to serve as members of the Board until all new members of the Board are appointed under 10 V.S.A. § 4041(b) or 90 days after the effective date of this act, whichever occurs first.

(c) The Commissioner of Fish and Wildlife shall commence rulemaking to develop the nongame wildlife plan required by 10 V.S.A. § 4048(d) not later than July 1, 2024 and shall complete rulemaking not later than September 1, 2025. In so doing, the Commissioner shall work to harmonize provisions of all Fish and Wildlife rules to realize the public interest in the sound management of game and nongame species according to ecological principles supported by the best science available through Department and peer-reviewed research.

Sec. 9. 10 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

Words and phrases used in this part, unless otherwise provided, shall be construed to mean as follows:

\* \* \*

(14) Fur-bearing animals: beaver, otter, marten, mink, raccoon, fisher, fox, skunk, coyote, bobcat, weasel, opossum, lynx, wolf, and muskrat.

\* \* \*

(15) Wild animals or wildlife: all animals, including birds, fish, amphibians, and reptiles, other than domestic animals, domestic fowl, or domestic pets.

\* \* \*

(23) Take and taking: pursuing, shooting, hunting, killing, capturing, trapping, snaring, and netting fish, birds, and quadrupeds and all lesser acts, such as disturbing, harrying, worrying, or wounding or placing, setting, drawing, or using any net or other device commonly used to take fish or wild animals, whether they result in the taking or not; and shall include every attempt to take and every act of assistance to every other person in taking or attempting to take fish or wild animals, provided that when taking is allowed by law, reference is had to taking by lawful means and in a lawful manner.

\* \* \*

(42) “Trapping” means to take or attempt to take fur-bearing animals with traps including the dispatching of lawfully trapped fur-bearing animals.

Sec. 10. 10 V.S.A. § 4866 is added to read:

§ 4866. SETBACKS; TRAPPING

(a) As used in this section:

(1) "Public highway," means any highway, as that term is defined in 24 V.S.A. § 4, including Class 4 roads, shown on the highway maps of the respective towns made by the Agency of Transportation, but shall not include trails.

(2) "Trail" means a path or corridor open to the public, including all areas used for nonmotorized recreational purposes such as hiking, walking, bicycling, cross-country skiing, horseback riding, and other similar activities.

(b) No foothold trap or body-gripping trap shall be set:

(1) on or within 50 feet of a trail or a public highway, including when the trap is set in water or under the ice.

(2) on or within 100 feet of a building, parking lot, visitor center, park, playground, picnic area, shelter, pavilion, school, camp or campground, recreational facility, or any other area where persons may reasonably be expected to recreate, including when the trap is set in water or under the ice.

(c) The requirements of subsection (b) of this section shall not apply to a resident or nonresident owner of land, the owner's spouse, and the owner's minor children when trapping on the owner's land, regardless of whether the land is posted under section 4710 of this title.

#### Sec. 11. REPEAL; FISH AND WILDLIFE REGULATIONS; TRAPPING

The following subsections of 10 V.S.A. App. § 44 (furbearing species) are repealed:

- (1) subsection 3.20 (definition of trapping);
- (2) subsection 3.11 (definition of legal trail);
- (3) subsection 3.14 (definition of public trail); and
- (4) subsection 4.15 (trapping setbacks).

\* \* \* Hunting Coyote \* \* \*

Sec. 12. 10 V.S.A. § 5008 is amended to read:

#### § 5008. HUNTING COYOTE WITH AID OF DOGS; PERMIT; USE OF BAIT

~~(a) No person shall pursue coyote with the aid of dogs, either for training or taking purposes, without a permit issued by the Commissioner.~~

~~(1) The Commissioner may deny any permit at the Commissioner's discretion. The Commissioner shall not issue more than 100 permits annually.~~

~~(2) The number of permits that the Commissioner issues to nonresidents~~



~~in any given year shall not exceed 10 percent of the number of permits issued to residents in the preceding year. The Commissioner shall establish a process and standards for determining which nonresidents are to receive a permit, including who will receive a permit if there are more nonresident applicants than nonresident permits.~~

~~(3) A nonresident may train dogs to pursue coyote only while the training season is in effect in the nonresident's home state and subject to the requirements of this part and rules adopted under this part.~~

~~(b)(1) The Commissioner shall issue permits under this section to a resident for a fee of \$50.00.~~

~~(2) The application fee for a nonresident permit issued under this section shall be \$10.00, and the fee for a nonresident permit issued under this section shall be \$200.00 for a successful applicant. No person shall pursue coyote with the aid of dogs, either for the purposes of training a dog or taking a coyote.~~

~~(b) A person shall not take coyote by using bait, except as authorized pursuant to a trapping license issued under this part. As used in this subsection, "bait" means any animal, vegetable, fruit, or mineral matter placed with the intention of attracting wildlife.~~

### Sec. 13. REPEAL; HUNTING COYOTE WITH AID OF DOGS; ISSUANCE OF PERMITS

~~(a) 10 V.S.A § 5009, as enacted under 2021 Acts and Resolves No. 165, Sec. 1 (hunting coyote with aid of dogs), is repealed.~~

~~(b) The following subsections of 10 V.S.A. App. § 44(furbearing species) are repealed:~~

~~(1) 3.1 (definition of accompany for purpose of pursuing coyote);~~

~~(2) 3.6 (definition of control of dogs; taking of coyote);~~

~~(3) 3.7 (definition of coyote dog permit);~~

~~(4) 3.9 (definition of Department registered dog);~~

~~(5) 3.12 (definition of pack of dogs);~~

~~(6) 3.15 (definition of relaying packs and dogs);~~

~~(7) 3.16 (definition of subpermittee);~~

~~(8) 3.17 (definition of taking coyote with the aid of dogs);~~

~~(9) 3.19 (definition of training/control collar);~~

(10) 3.22 (definition of unregistered dog); and

(11) 4.20 (taking coyote with the aid of dogs).

(e) The Commissioner of Fish and Wildlife shall not issue a permit to hunt or take coyote with the aid of dogs after the effective date of this act. If a person submitted an application to hunt or take coyote with the aid of dogs as of the effective date of this act but has not been awarded a permit, the Commissioner of Fish and Wildlife shall not issue a permit and shall refund to the permit applicant any fees submitted as part of the application.

\* \* \* Effective Date \* \* \*

Sec. 14. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 4-0-1)

**ORDERED TO LIE**

**S. 94.**

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

**NOTICE OF JOINT ASSEMBLY**

**March 26, 2024 - 10:30 A.M.** - House Chamber - Retention of two Superior Court Judges and one Magistrate.

**JFO NOTICE**

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

**JFO #3187:** Two (2) limited-service positions to the Public Service Department, Vermont Community Broadband Board: Administrative Services Manager III and Data and Information Project Manager. Positions will carry out work related to the federal Broadband Equity, Access and Deployment (BEAD) program. This program has the potential to bring in additional Broadband investment, provided local applications are successful. Positions are fully funded through 11/30/2027 and are funded by previously approved JFO #3136.

*[Received February 26, 2024]*

**JFO #3188:** There are two sources of funds related to this request: \$50,000.00 from the Vermont Land Trust and \$20,000.00 from the Lintilhac Foundation, all to the Agency of Natural Resources, Department of Forests, Parks and Recreation. All funds will go to support the acquisition of a 19-acre property in Island Pond which will expand the Brighton State Park.

*[Received March 4, 2024]*

**JFO #3189:** \$10,000,000.00 to the Agency of Human Services, Department of Disabilities, Aging and Independent Living from the U.S. Department of Education. The funds will be used to support the transition of youths with disabilities from high school to adulthood. The grants will support six (6) limited-service positions through 9/30/2028 that will work to support partnerships with all supervisory unions and the agencies focusing on employment opportunities for adults with disabilities.

*[Received March 1, 2024]*

**JFO #3190:** \$900,000.00 to the Agency of Human Services, Department of Corrections from the U.S. Department of Justice. Funds will enhance the reentry vocational case management of incarcerated individuals who are assessed for moderate and above risk of reoffending. The funds include one (1) limited-service position, Vocational Outreach Project Manager, fully funded through 9/30/2026.

*[Received March 1, 2024]*

## **FOR INFORMATION ONLY**

### **CROSSOVER DATES**

The Joint Rules Committee established the following crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 15, 2024**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 22, 2024**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

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

**Exceptions to the foregoing deadlines include the major money bills (Appropriations “Big Bill”, Transportation Spending Bill, Capital Construction Bill, Pay Bill, and Miscellaneous Tax Bill).**