

# Senate Calendar

TUESDAY, MARCH 26, 2024

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**ACTION CALENDAR**

**UNFINISHED BUSINESS OF WEDNESDAY, MARCH 20, 2024**

**Second Reading**

**Favorable**

**H. 554.**

An act relating to approval of the adoption of the charter of the Town of South Hero.

**Reported favorably by Senator Norris for the Committee on Government Operations.**

The Committee on Government Operations recommends that the bill ought to pass in concurrence.

(Committee vote: 6-0-0)

(No House amendments)

**Reported favorably by Senator Brock for the Committee on Finance.**

The Committee on Finance recommends that the bill ought to pass in concurrence.

(Committee vote: 7-0-0)

**Favorable with Recommendation of Amendment**

**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 Yet outdated practices linger in classrooms and in educator preparation programs.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)

**Reported favorably with recommendation of amendment by Senator Baruth for the Committee on Appropriations.**

The Committee recommends that the bill be amended as recommended by the Committee on Education, with further amendment as follows:

By striking out Sec. 12, Agency of Education; literacy position; appropriation, in its entirety and inserting in lieu thereof the following:

Sec. 12. [Deleted.]

(Committee vote: 6-0-1)

**S. 220.**

An act relating to Vermont's public libraries.

**Reported favorably with recommendation of amendment by Senator Champion 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:

\* \* \* Library Policies; Selection and Retention of Library Materials \* \* \*

Sec. 1. 22 V.S.A. § 67 is amended to read:

§ 67. PUBLIC LIBRARIES; STATEMENT OF POLICY; USE OF FACILITIES AND RESOURCES

\* \* \*

(c) To ensure that Vermont libraries protect and promote the principles of free speech, inquiry, discovery, and public accommodation, it is necessary that the trustees, managers, or directors of free public libraries adopt policies that comply with the First Amendment to the U.S. Constitution and State and federal civil rights and antidiscrimination laws.

Sec. 2. 22 V.S.A. § 69 is added to read:

§ 69. PUBLIC LIBRARIES; SELECTION AND RECONSIDERATION OF LIBRARY MATERIALS

A public library shall adopt a policy for the selection and reconsideration of library materials that complies with the First Amendment to the U.S. Constitution, the Civil Rights Act of 1964, and State laws prohibiting discrimination in places of public accommodation. A public library may adopt as its policy a model policy adopted by the Department of Libraries pursuant to section 606 of this title.



\* \* \* Confidentiality of Library Records; Minors \* \* \*

Sec. 3. 22 V.S.A. § 172 is amended to read:

§ 172. LIBRARY RECORD CONFIDENTIALITY; EXEMPTIONS

\* \* \*

(b) Unless authorized by other provisions of law, the library's officers, employees, and volunteers shall not disclose the records except:

\* \* \*

(4) to custodial parents or guardians of patrons under ~~age 16~~ 12 years of age; or

\* \* \*

\* \* \* Public Safety \* \* \*

Sec. 4. 13 V.S.A. § 1702 is amended to read:

§ 1702. CRIMINAL THREATENING

\* \* \*

(d) A person who violates subsection (a) of this section by making a threat that places any person in reasonable apprehension that death, serious bodily injury, or sexual assault will occur at a public or private school; postsecondary education institution; public library; place of worship; polling place during election activities; the Vermont State House; or any federal, State, or municipal building shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

\* \* \*

(h) As used in this section:

\* \* \*

(12) "Public library" means a public library as defined in 22 V.S.A. § 101.

\* \* \*

\* \* \* Library Governance \* \* \*

Sec. 5. 22 V.S.A. § 105 is amended to read:

§ 105. GENERAL POWERS

(a) The trustees, managers, or directors shall:

(1) elect the officers of the corporation from their number and have the control and management of the affairs, finances, and property of the corporation;

(2) adopt bylaws and policies governing the operation of the library;

(3) establish a library budget;

(4) hold regular meetings; and

(5) ensure compliance with the terms of any funding, grants, or bequests.

(b) The Trustees, managers, or directors may:

(1) accept donations and, in their discretion, hold the donations in the form in which they are given for the purposes of science, literature, and art germane to the objects and purposes of the corporation. ~~They may;~~ and

(2) in their discretion, receive by loan books, manuscripts, works of art, and other library materials and hold or circulate them under the conditions specified by the owners.

Sec. 6. 22 V.S.A. § 143 is amended to read:

#### § 143. TRUSTEES

(a) Unless a municipality ~~which~~ that has established or shall establish a public library votes at its annual meeting to elect a board of trustees, the governing body of the municipality shall appoint the trustees. The appointment or election of the trustees shall continue in effect until changed at an annual meeting of the municipality. When trustees are first chosen, they shall be elected or appointed for staggered terms.

(b) The board shall consist of not less than five trustees who shall have full power to:

(1) manage the public library, ~~make and any property that shall come into the hands of the municipality by gift, purchase, devise, or bequest for the use and benefit of the library;~~

(2) adopt bylaws, and policies governing the operation of the library;

(3) elect officers, ~~establish a library policy and receive, control and manage property which shall come into the hands of the municipality by gift, purchase, devise or bequest for the use and benefit of the library;~~

(4) establish a library budget;

(5) hold regular meetings; and

(6) ensure compliance with the terms of any funding, grants, or bequests.

(c) The board may appoint a director for the efficient administration and conduct of the library. A library director shall be under the supervision and control of the library board of trustees.

~~(b) When trustees are first chosen, they shall be elected or appointed for staggered terms.~~

\* \* \* Department of Libraries \* \* \*

Sec. 7. 22 V.S.A. § 606 is amended to read:

§ 606. OTHER DUTIES AND FUNCTIONS

The Department, in addition to the functions specified in section 605 of this title:

\* \* \*

(5) May Shall provide a continuing education program for a Certificate in Public Librarianship. The Department shall conduct seminars, workshops, and other programs to increase the professional competence of librarians in the State.

\* \* \*

~~(8) Shall be the primary access point for State information, and provide advice on State information technology policy.~~

(9) May develop and adopt model policies for free public libraries concerning displays, meeting room use, patron behavior, internet use, materials reconsideration, and other relevant topics to ensure substantive compliance with the First Amendment to the U.S. Constitution and Vermont laws prohibiting discrimination.

(10) Shall adopt a collection development policy that reflects Vermont's diverse people and history, including diversity of race, ethnicity, sex, gender identity, sexual orientation, disability status, religion, and political beliefs.

(11) May develop best practices and guidelines for public libraries and library service levels.

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

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

(Committee vote: 3-2-0)

**Reported favorably by Senator Baruth for the Committee on Appropriations.**

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Education.

(Committee vote: 6-0-1)

**Amendment to the recommendation of amendment of the Committee on Education to S. 220 to be offered by Senators Gulick, Campion, Hardy and Hashim**

Senators Gulick, Campion, Hardy and Hashim move to amend the recommendation of amendment of the Committee on Education by adding a reader assistance heading and one new section to be Sec. 17a to read as follows:

\* \* \* School Library Material Selection \* \* \*

Sec. 17a. 16 V.S.A. § 1624 is added to read:

§ 1624. SCHOOL LIBRARY MATERIAL SELECTION POLICY

(a) Each school board and each approved independent school shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title a library material selection policy and procedures for the reconsideration of materials. The policy and procedures shall affirm the importance of intellectual freedom and be guided by the First Amendment to the U.S. Constitution, the American Library Association's Freedom to Read Statement, and Vermont's Freedom to Read Statement.

(b) In order to ensure a student's First Amendment rights are protected and all students' identities are affirmed and dignity respected, the policy and procedures required under subsection (a) of this section shall prohibit the removal of school library materials for the following reasons:

(1) partisan approval or disapproval;

(2) the author's race, nationality, gender identity, sexual orientation, political views, or religious views;

(3) school board members' or members of the public's discomfort, personal morality, political views, or religious views;

(4) the author's point of view concerning the problems and issues of our time, whether international, national, or local;

(5) the race, nationality, gender identity, sexual orientation, political views, or religious views of the protagonist or other characters; or

(6) content related to sexual health that addresses physical, mental, emotional, or social dimensions of human sexuality, including puberty, sex, and relationships.

(c) The policy and procedures required under subsection (a) of this section shall ensure that school library staff are responsible for curating and developing collections that provide students with access to a wide array of materials that are relevant to students' research, independent reading interests, and educational needs, as well as ensuring such materials are tailored to the cognitive and emotional levels of the children served by the school.

#### **S. 254.**

An act relating to including rechargeable batteries and battery-containing products under the State battery stewardship program.

**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 as follows:

First: In Sec. 1, 10 V.S.A. § 7581, definitions, by striking out subdivision (2) in its entirety and inserting in lieu thereof the following new subdivision (2):

(2)(A) "Battery-containing product" means an electronic product that contains primary or rechargeable batteries that are easily removable or is packaged with rechargeable or primary batteries.

(B) A "battery-containing product" does not include an electronic product regulated under an approved plan implemented under chapter 166 of this title.

(C) A "battery-containing product" does not include an electronic product if:

(i) the only batteries contained in or supplied with the battery-containing product are supplied by a producer that has joined a registered battery stewardship organization as the producer for that covered battery; and

(ii) the producer of the covered batteries that are included in a battery-containing product provides a written certification of that membership to both the producer of the battery-containing product containing one or more

covered batteries and the battery stewardship organization of which the battery producer is a member.

Second: In Sec. 1, 10 V.S.A. § 7581, in subdivision (16)(A)(ii), after the semicolon, by striking out “and” and inserting in lieu thereof or

(Committee vote: 5-0-0)

**Reported favorably by Senator Bray for the Committee on Finance.**

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Natural Resources and Energy.

(Committee vote: 7-0-0)

**S. 285.**

An act relating to law enforcement interrogation policies.

**Reported favorably with recommendation of amendment by Senator Vyhovsky for the Committee on Judiciary.**

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. LEGISLATIVE INTENT; 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, to progress towards a total prohibition of the use of deception in all forms of interrogation, and to ultimately 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 interrogations of all persons; 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. § 1936a.

Sec. 2. VERMONT CRIMINAL JUSTICE COUNCIL; MODEL INTERROGATION POLICY

(a) On or before October 1, 2024, the Law Enforcement Advisory Board, in consultation with the Office of the Attorney General, shall collaborate and create 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 disorder; and low literacy levels.

(b) The model interrogation policy shall prohibit the use of physical harm, threats, and deception during custodial interrogations of all persons.

(1) At a minimum, the model interrogation policy shall define “deception” as the knowing communication of false facts about evidence or unauthorized statements regarding leniency by a law enforcement officer to a subject of custodial interrogation.

(2) The model interrogation policy shall also address other forms of interrogation involving persons under 20 years of age wherein the use of deception is prohibited.

(c) The model interrogation policy shall prohibit any training of law enforcement officers that employs the use of deception, including the REID Technique of Investigative Interviewing and Advanced Interrogation Techniques.

(d)(1) On or before December 1, 2024, the Law Enforcement Advisory Board shall submit the model interrogation policy to the Joint Legislative Justice Oversight Committee and testify before the Committee.

(2) On or before January 1, 2025, the Vermont Criminal Justice Council, in consultation with stakeholders, including the Agency of Human Services, the Vermont League of Cities and Towns, and the Vermont Human Rights Commission, shall update the Law Enforcement Advisory Board’s model interrogation policy to establish one cohesive model policy for law enforcement agencies and constables to adopt, follow, and enforce as part of the agency’s or constable’s own interrogation policy.

Sec. 3. 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 enforce any policy required under this chapter.

(b) On and after April 1, 2025, 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, or 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. 4. 20 V.S.A. § 2371 is added to read:

§ 2371. STATEWIDE POLICY; INTERROGATION METHODS

(a) Definitions. 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) Model policy contents.

(1) The Vermont Criminal Justice Council shall establish a model interrogation policy that applies to all persons subject to various forms of interrogation, including the following:

(A) custodial interrogations occurring in a place of detention;

(B) custodial interrogations occurring outside a place of detention;

(C) interrogations that are not considered custodial, regardless of location; and

(D) the interrogation of individuals with developmental, intellectual, and psychiatric disabilities; substance use disorder; and low literacy levels.



(2) The model interrogation policy shall prohibit the use of physical harm, threats, and deception during custodial interrogations of all persons.

(A) At a minimum, the model interrogation policy shall define “deception” as the knowing communication of false facts about evidence or unauthorized statements regarding leniency by a law enforcement officer to a subject of custodial interrogation.

(B) The model interrogation policy shall also address other forms of interrogation involving persons under 20 years of age wherein the use of deception is prohibited.

(3) The model interrogation policy shall prohibit any training of law enforcement officers that employs the use of deception, including the Reid Technique of Investigative Interviewing and Advanced Interrogation Techniques.

(c) Policy adoption and updates.

(1) On or before April 1, 2025, 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 an agency’s or a constable’s policy.

(2) On or before October 1, 2025, and every odd-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) Compliance. 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, 2025. 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) Training. The Council shall incorporate the provisions of this section into the training it provides.

(f) Reporting.

(1) Annually, as part of their 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.

(2) 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. 5. EFFECTIVE DATES

This act shall take effect on July 1, 2024, except that Secs. 3 (council services contingent on agency compliance; grant eligibility) and 4 (statewide policy; interrogation methods) shall take effect on April 1, 2025.

(Committee vote: 3-2-0)

#### **Amendment to the recommendation of amendment of the Committee on Judiciary to S. 285 to be offered by Senator Brock**

Senator Brock moves to amend the recommendation of amendment of the Committee on Judiciary by striking out all after the enacting clause and inserting in lieu thereof the following:

#### Sec. 1. LEGISLATIVE INTENT; 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 ultimately 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) addressing the use of deception during custodial interviews of juveniles; 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. § 1936a.

Sec. 2. VERMONT CRIMINAL JUSTICE COUNCIL; MODEL INTERROGATION POLICY

(a) On or before October 1, 2024, the Law Enforcement Advisory Board and the Office of the Attorney General shall collaborate to create a model interrogation policy that applies to juveniles subject to custodial interrogation. Such a model policy shall include the following:

(1) At a minimum, the model interrogation policy shall define “deception” as the knowing communication of false facts about evidence or unauthorized statements regarding leniency by a law enforcement officer to a subject of custodial interrogation.

(2) The model interrogation policy shall also address the use of deception during the custodial interviews of juveniles.

(b)(1) On or before December 1, 2024, the Law Enforcement Advisory Board shall submit the model interrogation policy to the Joint Legislative Justice Oversight Committee and testify before the Committee.

(2) On or before January 1, 2025, the Vermont Criminal Justice Council, in consultation with stakeholders, including the Agency of Human Services, the Vermont League of Cities and Towns, and the Vermont Human Rights Commission, shall update the Law Enforcement Advisory Board’s model interrogation policy to establish one cohesive model policy for law enforcement agencies and constables to adopt, follow, and enforce as part of the agency’s or constable’s own interrogation policy.

Sec. 3. 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 enforce any policy required under this chapter.

(b) On and after April 1, 2025, 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, or 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. 4. 20 V.S.A. § 2371 is added to read:

§ 2371. STATEWIDE POLICY; INTERROGATION METHODS

(a) Definitions. 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) Model policy contents. The Vermont Criminal Justice Council shall establish a model interrogation policy that applies to juveniles subject to custodial interrogation. Such a model policy shall include the following:

(1) At a minimum, the model interrogation policy shall define “deception” as the knowing communication of false facts about evidence or unauthorized statements regarding leniency by a law enforcement officer to a subject of custodial interrogation.

(2) The model interrogation policy shall also address the use of deception during the custodial interviews of juveniles.

(c) Policy adoption and updates.

(1) On or before April 1, 2025, 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 an agency’s or a constable’s policy.

(2) On or before October 1, 2025, and every odd-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) Compliance. 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, 2025. 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) Training. The Council shall incorporate the provisions of this section into the training it provides.

(f) Reporting.

(1) Annually, as part of their 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.

(2) 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. 5. EFFECTIVE DATES

This act shall take effect on July 1, 2024, except that Secs. 3 (council services contingent on agency compliance; grant eligibility) and 4 (statewide policy; interrogation methods) shall take effect on April 1, 2025.

**UNFINISHED BUSINESS OF THURSDAY, MARCH 21, 2024**

**Second Reading**

**Favorable with Recommendation of Amendment**

**S. 98.**

An act relating to Green Mountain Care Board authority over prescription drug costs.

**Reported favorably with recommendation of amendment by Senator Lyons 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. GREEN MOUNTAIN CARE BOARD; PRESCRIPTION DRUG COST REGULATION PROGRAM; IMPLEMENTATION PLAN**

(a) The Green Mountain Care Board, in consultation with its own technical advisory groups and other State agencies, shall explore and create a framework and methodology for implementing a program to regulate the cost of prescription drugs for Vermont consumers and Vermont's health care system. The Board shall consider options for and likely impacts of regulating the cost of prescription drugs, including:

(1) the experiences of states that have developed prescription drug affordability boards;

(2) the Centers for Medicare and Medicaid Services' development and operation of the Medicare Drug Price Negotiation Program;

(3) other promising federal and state strategies for lowering prescription drug costs;

(4) the Board's existing authority to set rates, adopt rules, and establish technical advisory groups;

(5) the likely return on investment of the most promising program options; and

(6) the impact of implementing a program to regulate the costs of prescription drugs on other State agencies and on the private sector.

(b)(1) On or before January 15, 2025, the Board shall provide its preliminary plan for implementing a program to regulate the cost of prescription drugs in Vermont, and any proposals for legislative action needed to implement the program, to the House Committee on Health Care and the Senate Committee on Health and Welfare.

(2) On or before January 15, 2026, the Board shall provide its final plan for implementing a program to regulate the cost of prescription drugs in Vermont, along with proposals for addressing any additional identified legislative needs, to the House Committee on Health Care and the Senate Committee on Health and Welfare.

(c)(1) The following permanent classified positions are created at the Green Mountain Care Board to lead the exploration, development, and implementation of the prescription drug regulation program:

(A) one Director of Prescription Drug Pricing; and

(B) one Policy Analyst Prescription Drug Pricing.

(2) The sum of \$245,000.00 is appropriated to the Green Mountain Care Board from the Evidence-Based Education and Advertising Fund in fiscal year 2025 for the positions created in this subsection.

(d)(1) The Green Mountain Care Board shall have legal assistance as needed from the Office of the Attorney General.

(2) The sum of \$250,000.00 is appropriated to the Green Mountain Care Board from the Evidence-Based Education and Advertising Fund in fiscal year 2025 to contract with experts on prescription drug-related issues to assist the Board in its work under this section.

Sec. 2. 33 V.S.A. § 2004 is amended to read:

§ 2004. MANUFACTURER FEE

(a) Annually, each pharmaceutical manufacturer or labeler of prescription drugs that are paid for by the Department of Vermont Health Access for individuals participating in Medicaid, Dr. Dynasaur, or VPharm shall pay a fee to the Agency of Human Services. The fee shall be 1.75 percent of the previous calendar year's prescription drug spending by the Department and shall be assessed based on manufacturer labeler codes as used in the Medicaid rebate program.

(b) Fees collected under this section shall fund collection and analysis of information on pharmaceutical marketing activities under 18 V.S.A. §§ 4632 and 4633; analysis of prescription drug data needed by the Office of the Attorney General for enforcement activities; the Vermont Prescription Monitoring System established in 18 V.S.A. chapter 84A; the evidence-based education program established in 18 V.S.A. chapter 91, subchapter 2; the Green Mountain Care Board's prescription drug cost regulation initiatives; statewide unused prescription drug disposal initiatives; prevention of prescription drug misuse, abuse, and diversion; the Substance Misuse

Prevention Oversight and Advisory Council established in 18 V.S.A. § 4803; treatment of substance use disorder; exploration of nonpharmacological approaches to pain management; a hospital antimicrobial program for the purpose of reducing hospital-acquired infections; the purchase and distribution of fentanyl testing strips; the purchase and distribution of naloxone to emergency medical services personnel; and any opioid-antagonist education, training, and distribution program operated by the Department of Health or its agents. The fees shall be collected in the Evidence-Based Education and Advertising Fund established in section 2004a of this title.

(c) The Secretary of Human Services or designee shall ~~make~~ adopt rules for the implementation of this section.

(d) The Department shall maintain on its website a list of the manufacturers who have failed to provide timely payment as required under this section.

Sec. 3. 33 V.S.A. § 2004a is amended to read:

§ 2004a. EVIDENCE-BASED EDUCATION AND ADVERTISING FUND

(a) The Evidence-Based Education and Advertising Fund is established in the State Treasury as a special fund to be a source of financing for activities relating to fund collection and analysis of information on pharmaceutical marketing activities under 18 V.S.A. §§ 4632 and 4633; for analysis of prescription drug data needed by the Office of the Attorney General for enforcement activities; for the Vermont Prescription Monitoring System established in 18 V.S.A. chapter 84A; for the evidence-based education program established in 18 V.S.A. chapter 91, subchapter 2; for the Green Mountain Care Board's prescription drug cost regulation initiatives; for statewide unused prescription drug disposal initiatives; for the prevention of prescription drug misuse, abuse, and diversion; for the Substance Misuse Prevention Oversight and Advisory Council established in 18 V.S.A. § 4803; for treatment of substance use disorder; for exploration of nonpharmacological approaches to pain management; for a hospital antimicrobial program for the purpose of reducing hospital-acquired infections; for the purchase and distribution of fentanyl testing strips; for the purchase and distribution of naloxone to emergency medical services personnel; and for the support of any opioid-antagonist education, training, and distribution program operated by the Department of Health or its agents. Monies deposited into the Fund shall be used for the purposes described in this section.

\* \* \*



(d) Monies from the Fund to support the Green Mountain Care Board's prescription drug cost regulation initiatives shall not exceed \$1,000,000.00 in any one fiscal year.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

(Committee vote: 3-2-0)

**Reported favorably by Senator Lyons for the Committee on Appropriations.**

The Committee recommends that the bill be amended as recommended by the Committee on Health and Welfare, with further amendment as follows:

In Sec. 3, 33 V.S.A. § 2004a, by striking out subsection (d) in its entirety

(Committee vote: 6-0-1)

**S. 114.**

An act relating to removal of criminal penalties for possessing, dispensing, or selling psilocybin and establishment of the Psychedelic Therapy Advisory Working Group.

**Reported favorably with recommendation of amendment by Senator Gulick 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. PSYCHEDELIC THERAPY ADVISORY WORKING GROUP;  
STUDY

(a) Creation. There is created the Psychedelic Therapy Advisory Working Group to examine the use of psychedelics to improve physical and mental health and to make findings and recommendations regarding the advisability of the establishment of a State program similar to other jurisdictions to permit health care providers to administer psychedelics in a therapeutic setting and the impact on public health of allowing individuals to legally access psychedelics under State law.

(b) Membership. The Working Group shall be composed of the following members:

(1) a representative of the Larner College of Medicine at the University of Vermont, appointed by the Dean;

(2) a representative of the Brattleboro Retreat, appointed by the President and Chief Executive Officer;

(3) a member of the Vermont Psychological Association, appointed by the President;

(4) a member of the Vermont Psychiatric Association, appointed by the President;

(5) the Executive Director of the Vermont Board of Medical Practice or designee;

(6) the Director of the Vermont Office of Professional Regulation or designee;

(7) the Vermont Commissioner of Health or designee; and

(8) a co-founder of the Psychedelic Society of Vermont.

(c) Powers and duties.

(1) The Working Group shall:

(A) review the latest research and evidence of the public health benefits and risks of clinical psychedelic assisted treatments and of criminalization of psychedelics under State law;

(B) examine the laws and programs of other states that have authorized the use of psychedelics by health care providers in a therapeutic setting and necessary components and resources if Vermont were to pursue such a program;

(C) provide an opportunity for individuals with lived experience to provide testimony in both a public setting and through confidential means, due to stigma and current criminalization of the use of psychedelics; and

(D) provide potential timelines for universal and equitable access to psychedelic assisted treatments.

(2) The Working Group shall seek testimony from Johns Hopkins' Center for Psychedelic and Consciousness Research and Decriminalize Nature, in addition to any other individuals or entities with an expertise in psychedelics.

(d) Assistance. The Working Group shall have the assistance of the Vermont Psychological Association for purposes of scheduling and staffing meetings and developing and submitting the report required by subsection (e) of this section.

(e) Report. On or before November 15, 2024, the Working Group shall submit a written report to the House and Senate Committees on Judiciary, the House Committee on Health Care, the House Committee on Human Services,

and the Senate Committee on Health and Welfare with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Vermont Psychological Association shall call the first meeting of the Working Group to occur on or before July 15, 2024.

(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 January 1, 2025.

(g) Compensation and reimbursement. Members of the Working Group shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings. These payments shall be made from monies appropriated to the General Assembly.

## 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 the establishment of the Psychedelic Therapy Advisory Working Group

(Committee vote: 3-2-0)

**Reported favorably by Senator Lyons for the Committee on Appropriations.**

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Health and Welfare.

(Committee vote: 6-0-1)

## **S. 120.**

An act relating to postsecondary schools and sexual misconduct protections.

**Reported favorably with recommendation of amendment by Senator Hashim 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:

Sec. 1. 16 V.S.A. § 184 is added to read:

§ 184. STUDENT ACCESS TO CONFIDENTIAL SEXUAL MISCONDUCT SUPPORT SERVICES; COLLABORATION WITH EXTERNAL PARTNERS

(a) Postsecondary schools shall ensure students have access to confidential sexual misconduct support services covered by victim and crisis worker privilege under applicable law, either on or off campus. Nothing in this subsection shall be construed to prohibit a postsecondary school from also facilitating student access to support services not covered by a victim and crisis worker privilege.

(b) If a postsecondary school is working with an external provider to provide confidential support services on its behalf, pursuant to subsection (a) of this section, and those support services are beyond those the external provider may provide as a matter of course to the general public, the postsecondary school shall enter into, and maintain, an agreement with the external provider. Agreements may address:

(1) assistance in development or delivery of programming and training regarding sexual misconduct involving students;

(2) collaborative marketing to make the campus community aware of the availability of confidential services from the external provider, either on or off campus, such as sexual assault crisis services, domestic violence crisis services, and sexual assault nurse examiner services;

(3) reciprocal education of school and external provider personnel to ensure a mutual understanding of the other's role, responsibilities, and processes for receiving disclosures of sexual misconduct, the provision of support services, and options for resolution;

(4) reporting of data as required by federal law, if applicable, as well as reporting of de-identified aggregate information that will aid the school in identifying and addressing trends of concern; and

(5) use of school-provided space to meet confidentially with members of the campus community.

(c) All agreements executed pursuant to subsection (b) of this section shall be independently negotiated between the postsecondary school and external providers.

Sec. 2. 16 V.S.A. § 185 is added to read:

§ 185. AMNESTY PROTECTIONS

Postsecondary schools shall create and adopt an amnesty policy that prohibits disciplinary action against a student reporting or otherwise participating in a school sexual misconduct resolution process for alleged ancillary policy violations related to the sexual misconduct incident at issue; provided, however, the school may take disciplinary action if it determines that the conduct giving rise to the alleged ancillary policy violation placed or threatened to place the health and safety of another person at risk. This policy shall not be construed to limit a counter-complaint made in good faith or to prohibit action as to a report made in good faith.

Sec. 3. 16 V.S.A. § 186 is added to read:

§ 186. ANNUAL AWARENESS PROGRAMMING AND TRAINING

(a) A postsecondary school shall offer annual trauma-informed, inclusive, and culturally relevant sexual misconduct primary prevention and awareness programming to all students, staff, and faculty of the school. Primary prevention and awareness programming shall address, in a manner appropriate for the audience:

(1) an explanation of consent as it applies to sexual activity and sexual relationships;

(2) the role drugs and alcohol play in an individual's ability to consent;

(3) information about on and off-campus options for reporting of an incident of sexual misconduct, including confidential and anonymous disclosure mechanisms, and the effects of each option;

(4) information on the school's procedures for resolving sexual misconduct complaints and the range of sanctions the school may impose on those found responsible for a violation;

(5) the name and contact information of school officials responsible for coordination of supportive measures and an overview of the types of supportive measures available;

(6) the name, contact information, and services of confidential resources, on and off campus;

(7) strategies for bystander intervention and risk reduction;

(8) how to directly access health services, mental health services, and confidential resources both on and off-campus;

(9) opportunities for ongoing sexual misconduct prevention and awareness training and programming; and

(10) best practices for responding to disclosures of sexual misconduct.

(b) Information on the training topics contained in subsection (a) of this section, including on and off campus supportive measures for reporting parties, shall be available in a centrally located place on the schools' website.

(c) Schools shall endeavor to collaborate with community partners, such as local and statewide law enforcement, local and statewide prosecution offices, health care service providers, confidential service providers, and other relevant stakeholders, regarding the inclusion of appropriate information about the relevant stakeholders' respective roles and offerings in primary prevention and awareness programming.

#### Sec. 4. REPEAL

2021 Acts and Resolves No. 68, Sec. 7 (Intercollegiate Sexual Harm Prevention Council 2025 repeal) is repealed.

Sec. 5. 16 V.S.A. § 2187 is redesignated and amended to read:

#### § 2187 183. INTERCOLLEGIATE SEXUAL HARM PREVENTION COUNCIL

(a) Creation. There is created the Intercollegiate Sexual Harm Prevention Council to create a coordinated response to campus sexual harm across institutions of higher learning in Vermont.

\* \* \*

(c) Duties. The Council shall:

\* \* \*

(7) create or promote annual training opportunities addressing prevention and sexual assault response processes open to representatives from all Vermont postsecondary schools.

\* \* \*

#### Sec. 6. APPROPRIATION

The sum of \$22,000.00 is appropriated from the General Fund to the Center for Crime Victim Services in fiscal year 2025 to provide a grant for the purpose of staffing the Intercollegiate Sexual Harm Prevention Council and to provide per diem compensation and reimbursement of expenses for members who are not otherwise compensated by the member's employer for attendance at meetings.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

(Committee vote: 5-0-0)

**Reported favorably by Senator Baruth for the Committee on Appropriations.**

The Committee recommends that the bill be amended as recommended by the Committee on Education, with further amendment as follows:

By striking out Sec. 6, appropriation, in its entirety and inserting in lieu thereof the following:

Sec. 6. [Deleted.]

(Committee vote: 7-0-0)

**S. 159.**

An act relating to the County Governance Study Committee.

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

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. COUNTY AND REGIONAL GOVERNANCE STUDY  
COMMITTEE; REPORT

(a) Creation. There is created the County and Regional Governance Study Committee to address local government capacity challenges, enhance and optimize public safety, regional collaboration and planning, efficient, equitable, and transparent public resource allocation, and effective regional public services for individuals and municipalities.

(b) Membership. The Committee shall be, to the extent possible, composed of members from geographically diverse regions of the State. The Committee shall be composed of the following members:

(1) three current members of the House of Representatives, who shall not all be from the same political party, the first of whom shall be the Chair of the House Committee on Government Operations and Military Affairs, and the second and third of whom shall be appointed by the Speaker of the House; and

(2) three current members of the Senate, who shall not all be from the same political party, the first of whom shall be the Chair of the Senate Committee on Government Operations, and the second and third of whom shall be appointed by the Committee on Committees.

(c) Powers and duties.

(1) The Committee shall study and make recommendations to the General Assembly on how to improve the structure and organization of county and regional government, including:

(A) enhancement and optimization of public safety;

(B) enhancement of regional collaboration and planning;

(C) efficient, equitable, and transparent allocation of public resources;

(D) promotion of effective regional public services for individuals and municipalities;

(E) clarification of the role and oversight of elected county officials and their departments;

(F) reduction of duplicated public services and promotion of opportunities for intermunicipal collaboration;

(G) balance of availability and cost of services across municipalities in each county;

(H) mechanisms of county and regional government structures in other states; and

(I) impact of climate change and resiliency on the maintenance of public infrastructure, delivery of regional government services, and coordination of regional emergency planning.

(2) The Committee may, through the Joint Fiscal Office, contract with one or more consultants to assist with research, preparation of the report, and any other assistance with the Committee's work deemed necessary by the Committee.

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

(e) Report. On or before November 1, 2025, the Committee shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with its findings and any recommendations for legislative action.



(f) Meetings.

(1) The Chair of the Senate Committee on Government Operations shall call the first meeting of the Committee to occur on or before September 1, 2024.

(2) The Committee shall be co-chaired by the Chair of the House Committee on Government Operations and Military Affairs and the Chair of the Senate Committee on Government Operations.

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

(4) The Committee shall cease to exist on July 1, 2026.

(g) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, a legislative member of the Committee serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than 10 meetings. These payments shall be made from monies appropriated to the General Assembly.

(h) Appropriation for consulting. The sum of \$50,000.00 is appropriated to the Joint Fiscal Office from the General Fund in fiscal year 2025 to contract with one or more consultants to assist with research, preparation of the report, and any other assistance with the Committee's work deemed necessary by the Committee.

Sec. 2. COUNTY AND REGIONAL GOVERNANCE TECHNICAL  
ADVICE

(a) On or before September 1, 2024, the Executive Director of the Vermont Bond Bank, shall convene the first meeting of a County and Regional Governance Technical Advisory Group. The Technical Advisory Group shall analyze the subject matter being considered by the County and Regional Governance Study Committee and advise, assist, and provide recommendations to the Study Committee, specifically on the structure and organization of county and regional government. The Vermont Bond Bank shall participate in order to support improvements to local capacity.

(b) The following individuals and entities shall be invited to participate in the meeting or meetings described in this section:

(1) the Department of State's Attorneys and Sheriffs;

(2) the State Court Administrator;

(3) the Vermont Association of County Judges;

(4) the Vermont Association of Planning and Development Agencies;

- (5) the Vermont Municipal Clerks' and Treasurers' Association;
- (6) the Vermont League of Cities and Towns;
- (7) the Vermont Regional Development Corporations;
- (8) the Vermont School Boards Association;
- (9) the Vermont Town and City Management Association; and
- (10) other relevant stakeholders identified by the Technical Advisory Group.

(c) The Study Committee may at any time request advice from the Technical Advisory Group regarding issues relating to the structure and organization of county and regional government, which shall be provided by the Technical Advisory Group.

### Sec. 3. FEDERAL DISASTER FUNDING FOR COUNTY AND REGIONAL GOVERNMENTS REPORT

On or before September 15, 2024, the Secretary of Administration, or designee, shall report to the County and Regional Governance Study Committee on federal funding opportunities resulting from the disaster declaration for the major flooding events of 2023 in the State, including the received federal funds, the status of pending applications for funding, and potential avenues for additional funds. The Secretary, or designee, shall provide an analysis of the impact of Vermont's lack of robust county or regional governance on the receipt of federal emergency funding.

### Sec. 4. 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 the County and Regional Governance Study Committee

(Committee vote: 6-0-0)

**Reported favorably by Senator Sears for the Committee on Appropriations.**

The Committee recommends that the bill be amended as recommended by the Committee on Government Operations, with further amendment as follows:

In Sec. 1, County and Regional Governance Study Committee; report, by striking out subsection (h) in its entirety.

(Committee vote: 6-1-0)

**UNFINISHED BUSINESS OF FRIDAY, MARCH 22, 2024**

**Third Reading**

**S. 58.**

An act relating to increasing the penalties for subsequent offenses for trafficking and dispensing or sale of a regulated drug with death resulting.

**NEW BUSINESS**

**Third Reading**

**S. 184.**

An act relating to the use of automated traffic law enforcement (ATLE) systems.

**S. 192.**

An act relating to forensic facility admissions criteria and processes.

**S. 258.**

An act relating to the management of fish and wildlife.

**Second Reading**

**Favorable with Recommendation of Amendment**

**S. 181.**

An act relating to the Community Media Public Benefit Fund.

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

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. 32 V.S.A. chapter 247 is added to read:

CHAPTER 247. TELEVISION ASSESSMENT

§ 10601. FINDINGS; PURPOSE

(a) The General Assembly finds:

(1) In recent years, there has been significant growth of high-bandwidth entertainment content delivered over communications networks.

(2) Substantial public investments, both State and federal, have been made to promote communications network deployment and the adoption of essential services delivered over those networks, such as telecommunications and broadband.

(3) Government has long recognized that these networks and services are essential because they provide end users access to critical services, such as educational, governmental, employment, public safety, and health care services.

(b) The purpose of this chapter is to establish a comprehensive statewide mechanism for requiring equitable contributions from cable television companies and television streaming providers to support public benefits and services, including those in the communications sector.

#### § 10602. DEFINITIONS

As used in this chapter:

(1) “Customer” means any person in Vermont who receives or subscribes to a video streaming service provider and does not further distribute such service in the ordinary course of business.

(2) “Gross receipts” means all consideration of any kind or nature received by a video streaming service provider, or an affiliate of such person, in connection with the provision, delivery, or furnishing of video streaming service to customers. “Gross receipts” does not include:

(A) revenue not actually received, regardless of whether it is billed, including bad debts;

(B) revenue received by an affiliate or other person in exchange for supplying goods and services to an affiliated video streaming service provider;

(C) refunds, rebates, or discounts made to customers, advertisers, or other persons;

(D) revenue from telecommunications service as defined in 30 V.S.A. § 7501(b)(8);

(E) revenue from broadband service as defined in 30 V.S.A. § 8082(2);

(F) revenue from the sale of capital assets or surplus equipment not used by the purchaser to receive video streaming service from the video streaming service provider;

(G) reimbursements made by programmers to the streaming service provider for marketing costs incurred by such service provider for the introduction of new programming;

(H) late payment fees collected from customers; or

(I) charges, other than charges for video streaming services, that are aggregated or bundled with video streaming services on a customer's bill, if the video streaming service provider can reasonably and separately identify the charges in its books and records kept in the regular course of business.

(3) "Service provider" means a video streaming service provider.

(4) "Video programming" means programming provided by, or comparable to programming provided by, a television broadcast station, including video programming provided by local networks, national broadcast networks, cable television networks, and all forms of pay-per-view or on-demand video entertainment.

(5) "Video streaming service" means the distribution or broadcasting of video programming displayed by the viewer for a fee on a subscription basis. The term video streaming service, unless expressly provided otherwise, does not include cable service as defined in 47 U.S.C. § 522(6).

(6) "Video streaming service provider" or "television streaming provider" means a person who transmits, broadcasts, or otherwise provides video streaming service to customers and earns more than \$250,000.00 in gross annual revenues from providing such services.

#### § 10603. IMPOSITION AND COLLECTION

(a) There is imposed an assessment on the provision, delivery, or furnishing of video streaming services by a service provider to customers in the State. A service provider shall pay an assessment equal to five percent of the provider's gross receipts derived in or from such services.

(b) Gross receipts pursuant to this section shall be determined by the customer's place of primary use of the service and, if that location cannot be determined with available information or a reasonable inquiry, shall be determined by the customer's billing address.

(c) The assessment created under this section shall be for each year, or part of each year, that a service provider is engaged in the sale of video streaming services to customers.

(1) A service provider subject to the assessment under this section shall:

(A) file, on or before April 15 of each year, a return for the year ended on the preceding December 31; and

(B) pay the tax due, which return shall state the gross receipts for the period covered by each return.

(2) Returns shall be filed with the Commissioner on a form to be furnished by the Commissioner for that purpose and shall contain any other data or information as the Commissioner may require.

(3) Notwithstanding subdivisions (1) and (2) of this subsection, the Commissioner may require a service provider to file an annual return, which shall contain any data specified by the Commissioner, regardless of whether the provider is subject to the assessment under this section.

(d) The Commissioner may examine and audit a return required under this section for a period equal to the latter of three years from the date the return was filed or three years from the date the return was required to be filed; however, there shall be no limitation if a return is fraudulent. In addition to the authority granted to the Commissioner under chapter 103 of this title, the Commissioner may require service providers subject to the assessment under this section to keep and preserve records of its business in any form as the Commissioner may require for a period of three years, except that the Commissioner may consent to their destruction within that period or may require that they be kept longer.

#### § 10604. DEPOSIT AND ALLOCATION OF REVENUE

The revenue from the assessment imposed under this chapter shall be deposited in the General Fund. Annually, the General Assembly shall appropriate a portion of the revenue to the Secretary of State to administer and oversee a grant program for the Vermont Access Network to support the operational costs of Vermont's access management organizations so that public, educational, and government programming and services are broadly available throughout the State.

#### Sec. 2. APPROPRIATION

The sum of \$1,100,000.00 is appropriated from the General Fund to the Department of Taxes in fiscal year 2025 for the purpose of implementing the chapter established under Sec. 1. of this act.

#### Sec. 3. EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214, this section and Sec. 1 (32 V.S.A. chapter 247) shall take effect retroactively on January 1, 2024 and apply to taxable years on and after January 1, 2024.

(b) Sec. 2 (appropriation) shall take effect on July 1, 2024.

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

An act relating to establishing a television assessment and community media

(Committee vote: 6-0-1)

**Reported favorably by Senator Starr for the Committee on Appropriations.**

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Finance.

(Committee vote: 5-2-0)

**S. 195.**

An act relating to how a defendant's criminal record is considered in imposing conditions of release.

**Reported favorably with recommendation of amendment by Senator Sears for the Committee on Judiciary.**

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. 13 V.S.A. § 7551 is amended to read:

**§ 7551. IMPOSITION OF BAIL, SECURED APPEARANCE BONDS, AND APPEARANCE BONDS**

(a) Bonds; generally. A bond given by a person charged with a criminal offense or by a witness in a criminal prosecution under section 6605 of this title, conditioned for the appearance of the person or witness before the court in cases where the offense is punishable by fine or imprisonment, and in appealed cases, shall be taken to the Criminal Division of the Superior Court where the prosecution is pending and shall remain binding upon parties until discharged by the court or until sentencing. The person or witness shall appear at all required court proceedings.

(b) Limitation on imposition of bail, secured appearance bonds, and appearance bonds.

(1) Except as provided in subdivision (2) of this subsection, no bail, secured appearance bond, or appearance bond may be imposed:

(A) at the initial appearance of a person charged with a misdemeanor if the person was cited for the offense in accordance with Rule 3 of the Vermont Rules of Criminal Procedure; or

(B) at the initial appearance or upon the temporary release pursuant to Rule 5(b) of the Vermont Rules of Criminal Procedure of a person charged with a violation of a misdemeanor offense that is eligible for expungement pursuant to subdivision 7601(4)(A) of this title.

(2) In the event the court finds that imposing bail is necessary to mitigate the risk of flight from prosecution for a person charged with a violation of a misdemeanor offense that is eligible for expungement pursuant to subdivision 7601(4)(A) of this title, the court may impose bail in a maximum amount of \$200.00. The \$200.00 limit shall not apply to an offense allegedly committed by a defendant who has been released on personal recognizance or conditions of release pending trial for another offense.

(3) This subsection shall not be construed to restrict the court's ability to impose conditions on such persons to reasonably mitigate the risk of flight from prosecution or to reasonably protect the public in accordance with section 7554 of this title.

Sec. 2. 13 V.S.A. § 7554 is amended to read:

§ 7554. RELEASE PRIOR TO TRIAL

(a) Release; conditions of release. Any person charged with an offense, other than a person held without bail under section 7553 or 7553a of this title, shall at ~~his or her~~ the person's appearance before a judicial officer be ordered released pending trial in accordance with this section.

(1) The defendant shall be ordered released on personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer unless the judicial officer determines that such a release will not reasonably mitigate the risk of flight from prosecution as required. In determining whether the defendant presents a risk of flight from prosecution, the judicial officer shall consider, in addition to any other factors, the seriousness of the offense charged and the number of offenses with which the person is charged. If the judicial officer determines that the defendant presents a risk of flight from prosecution, the officer shall, either in lieu of or in addition to the methods of release in this section, impose the least restrictive of the following conditions or the least restrictive combination of the following conditions that will reasonably mitigate the risk of flight of the defendant as required:

(A) Place the defendant in the custody of a designated person or organization agreeing to supervise ~~him or her~~ the defendant if the defendant is charged with an offense that is not a nonviolent misdemeanor or nonviolent felony as defined in 28 V.S.A. § 301.

(B) Place restrictions on the travel or association of the defendant during the period of release.

(C) Require the defendant to participate in an alcohol or drug treatment program. The judicial officer shall take into consideration the



defendant's ability to comply with an order of treatment and the availability of treatment resources.

(D) Upon consideration of the defendant's financial means, require the execution of a secured appearance bond in a specified amount and the deposit with the clerk of the court, in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the appearance of the defendant as required.

(E) Upon consideration of the defendant's financial means, require the execution of a surety bond with sufficient solvent sureties, or the deposit of cash in lieu thereof.

(F) Impose any other condition found reasonably necessary to mitigate the risk of flight as required, including a condition requiring that the defendant return to custody after specified hours.

(G) [Repealed.]

(H) Place the defendant in the electronic monitoring program pursuant to section 7554f of this title.

(I) Place the defendant in the home detention program pursuant to section 7554b of this title.

(2) If the judicial officer determines that conditions of release imposed to mitigate the risk of flight will not reasonably protect the public, the judicial officer may impose, in addition, the least restrictive of the following conditions or the least restrictive combination of the following conditions that will reasonably ensure protection of the public:

(A) Place the defendant in the custody of a designated person or organization agreeing to supervise ~~him or her~~ the defendant if the defendant is charged with an offense that is not a nonviolent misdemeanor or nonviolent felony as defined in 28 V.S.A. § 301.

(B) Place restrictions on the travel, association, or place of abode of the defendant during the period of release.

(C) Require the defendant to participate in an alcohol or drug treatment program. The judicial officer shall take into consideration the defendant's ability to comply with an order of treatment and the availability of treatment resources.

(D) Impose any other condition found reasonably necessary to protect the public, except that a physically restrictive condition may only be imposed in extraordinary circumstances.

(E) Suspend the officer's duties in whole or in part if the defendant is a State, county, or municipal officer charged with violating section 2537 of this title and the court finds that it is necessary to protect the public.

(F) [Repealed.]

(G) Place the defendant in the electronic monitoring program pursuant to section 7554f of this title.

(H) Place the defendant in the home detention program pursuant to section 7554b of this title.

(3) A judicial officer may order that a defendant not harass or contact or cause to be harassed or contacted a victim or potential witness. This order shall take effect immediately, regardless of whether the defendant is incarcerated or released.

(b) Judicial considerations in imposing conditions of release. In determining which conditions of release to impose:

(1) In subdivision (a)(1) of this section, the judicial officer, on the basis of available information, shall take into account the nature and circumstances of the offense charged; the weight of the evidence against the accused; the accused's employment; financial resources, including the accused's ability to post bail; the accused's character and mental condition; the accused's length of residence in the community; and the accused's record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings.

(2) In subdivision (a)(2) of this section, the judicial officer, on the basis of available information, shall take into account the nature and circumstances of the offense charged; the weight of the evidence against the accused; the number of offenses with which the accused is charged; whether the accused is subject to release on personal recognizance or subject to conditions of release related to protecting the public in another case pending before federal or state court; whether the accused is subject to conditions related to protecting the public for probation, parole, furlough, or another form of community supervision; whether the accused is currently compliant with any court orders; and the accused's family ties, employment, character and mental condition, length of residence in the community, record of convictions, and record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings. Recent history of actual violence or threats of violence may be considered by the judicial officer as bearing on the character and mental condition of the accused.

(c) Order. A judicial officer authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any; shall inform such person of the penalties applicable to violations of the conditions of release; and shall advise ~~him or her~~ the person that a warrant for ~~his or her~~ the person's arrest ~~will~~ may be issued immediately upon any such violation.

(d) Review of conditions.

(1) A person for whom conditions of release are imposed and who is detained as a result of ~~his or her~~ the person's inability to meet the conditions of release or who is ordered released on a condition that ~~he or she~~ the person return to custody after specified hours, or the State, following a material change in circumstances, shall, within 48 hours following application, be entitled to have the conditions reviewed by a judge in the court having original jurisdiction over the offense charged. A party applying for review shall be given the opportunity for a hearing. Unless the conditions of release are amended as requested, the judge shall set forth in writing or orally on the record a reasonable basis for continuing the conditions imposed. In the event that a judge in the court having original jurisdiction over the offense charged is not available, any Superior judge may review such conditions.

(2) A person for whom conditions of release are imposed shall, within five working days following application, be entitled to have the conditions reviewed by a judge in the court having original jurisdiction over the offense charged. A person applying for review shall be given the opportunity for a hearing. Unless the conditions of release are amended as requested, the judge shall set forth in writing or orally on the record a reasonable basis for continuing the conditions imposed. In the event that a judge in the court having original jurisdiction over the offense charged is not available, any Superior judge may review such conditions.

(e) Amendment of order. A judicial officer ordering the release of a person on any condition specified in this section may at any time amend the order to impose additional or different conditions of release, provided that the provisions of subsection (d) of this section shall apply.

(f) Definition. The term "judicial officer" as used in this section and section 7556 of this title ~~shall mean~~ means a clerk of a Superior Court or a Superior Court judge.

(g) Admissibility of evidence. Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(h) Forfeiture. Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security if such disposition is authorized by the court.

(i) Forms. The Court Administrator shall establish forms for appearance bonds, secured appearance bonds, surety bonds, and for use in the posting of bail. Each form shall include the following information:

(1) The bond or bail may be forfeited in the event that the defendant or witness fails to appear at any required court proceeding.

(2) The surety or person posting bond or bail has the right to be released from the obligations under the bond or bail agreement upon written application to the judicial officer and detention of the defendant or witness.

(3) The bond will continue through sentencing in the event that bail is continued after final adjudication.

(j) Juveniles. Any juvenile between 14 and 16 years of age who is charged with a listed crime as defined in subdivision 5301(7) of this title shall appear before a judicial officer and be ordered released pending trial in accordance with this section within 24 hours following the juvenile's arrest.

Sec. 3. 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.

(b) Procedure. At the request of the court, the Department of Corrections, the prosecutor, or the defendant, the status of a defendant who is detained pretrial in a correctional facility for inability to pay bail after bail has been set by the court, or the status of a defendant who has allegedly violated conditions of release or of personal recognizance, may be reviewed by the court to determine whether the defendant is appropriate for home detention. The review shall be scheduled upon the court's receipt of a report from the Department determining that the proposed residence is suitable for the use of electronic monitoring. A defendant held without bail pursuant to section 7553

or 7553a of this title shall not be eligible for release to the Home Detention Program on or after June 1, 2018. At arraignment or after a hearing, the court may order that the defendant be released to the Home Detention Program, provided that the court finds placing the defendant on home detention will reasonably assure his or her appearance in court when required mitigate the defendant's risk of flight and the proposed residence is appropriate for home detention. In making such a determination, the court shall consider:

- (1) the nature of the offense with which the defendant is charged;
- (2) the defendant's prior convictions, history of violence, medical and mental health needs, history of supervision, and risk of flight; and
- (3) any risk or undue burden to other persons who reside at the proposed residence or risk to third parties or to public safety that may result from such placement.

(c) Failure to comply. The Department of Corrections may ~~revoke~~ report a defendant's ~~home detention status for an~~ unauthorized absence or failure to comply with any other condition of the Program ~~and shall return the defendant to a correctional facility to the prosecutor and the defendant, provided that a defendant's failure to comply with any condition of the Program for a reason other than fault on the part of the defendant shall not be reportable. To address a reported violation, the prosecutor may initiate:~~

- (1) a review of conditions pursuant to section 7554 of this title;
- (2) a violation of conditions proceeding pursuant to section 7554e of this title; or
- (3) a prosecution for contempt pursuant to section 7559 of this title; or
- (4) a bail revocation hearing pursuant to section 7575 of this title.

(d) Credit for time served. A defendant shall receive credit for a sentence of imprisonment for time served in the Home Detention Program.

(e) Program support. The Department may support the operation of the Program through grants of financial assistance to, or contracts for services with, any public or nonprofit entity that meets the Department's requirements.

Sec. 4. 13 V.S.A. § 7554e is added to read:

§ 7554e. VIOLATIONS OF CONDITIONS OF RELEASE

(a) Procedure.

(1) The court may determine that a condition of release was violated only upon notice to the defendant and a hearing.

(2) Whenever a defendant is alleged to have violated a condition of release ordered by a court pursuant to section 7554 of this title, the defendant may be arrested or cited in accordance with Rules 3 or 18 of the Vermont Rules of Criminal Procedure to appear before the court in which the conditions of release were ordered.

(3) A judicial officer may issue a warrant for the arrest of a defendant charged with violating a condition of release and the defendant shall appear before the judicial officer.

(4) The defendant alleged to have violated a condition of release may appear before the judicial officer not later than the next business day following the arrest or citation. At this appearance, the judicial officer may review and modify the defendant's conditions of release pursuant to section 7554 of this title. The prosecutor may also request that the judicial officer schedule a summary hearing in accordance with subsection (b) of this section or elect to commence a prosecution pursuant to section 7559 of this title.

(b) Hearing.

(1) Upon request, the judicial officer may schedule a summary hearing to determine if the defendant violated a condition of release.

(2) The State shall have the burden of proving a violation of conditions of release by a preponderance of the evidence.

(3) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law unless the judicial officer determines that live testimony is necessary.

(4) The judicial officer shall issue an appropriate order addressing the alleged violation pursuant to subsection (c) of this section.

(c) Disposition of violations.

(1) In determining that a condition of release was violated, the judicial officer shall consider any of the following:

(A) whether the defendant violated a condition of release that does not otherwise constitute an offense under federal or State law;

(B) whether the defendant violated a condition of release that also constitutes an offense under federal or State law;

(C) the nature of the underlying offense with which the defendant is charged;

(D) the defendant's prior convictions, history of violence, medical and mental health needs, history of supervision, and risk of flight; and

(E) any risk that the defendant poses to the public.

(2) Upon a finding that the person violated a condition of release, the judicial officer shall impose the least restrictive condition or combination of conditions to reasonably ensure the defendant's court appearances, to mitigate the defendant's risk of flight from prosecution, or to reasonably protect the public. Such conditions include:

(A) imposing any condition or combination of conditions pursuant to section 7554 of this title; or

(B) placing the defendant under the supervision of the pre-trial supervision program pursuant to section 7554g of this title.

(3) If the defendant violated a condition of release that also constitutes an offense under federal or State law, a prosecutor may pursue bail revocation pursuant to section 7575 of this title.

(d) Exclusive remedy; prosecution for contempt. A proceeding pursuant to this section or a prosecution pursuant to section 7559 of this title shall be a prosecutor's exclusive remedy to modify conditions of release as a result of an alleged violation. Nothing in this section shall be construed to modify or limit a judicial officer's ability to exercise the officer's own authority to address contempt or to modify or limit a prosecutor's ability to commence a prosecution for contempt for any reason other than a violation of a condition of release.

Sec. 5. 13 V.S.A. § 7554f is added to read:

§ 7554f. ELECTRONIC MONITORING PROGRAM

(a) Intent. It is the intent of the General Assembly that the electronic monitoring program assist in ensuring a defendant's compliance with conditions of release, mitigating a defendant's risk of flight, or reasonably protecting the public.

(b) Program and administration.

(1) The Department of Corrections shall expand and manage an electronic monitoring program for the purpose of supervising persons ordered to be under electronic monitoring as a condition of release, in addition to or in lieu of the imposition of bail pursuant to section 7554 of this title, or placed on home detention pursuant to 7554b of this title.

(2) The Department may support the Program's monitoring operations through grants of financial assistance to, or contracts for services with, any public or nonprofit entity that meets the Department's requirements.

(c) Procedure. At the request of the court, the prosecutor, or the defendant, the court may determine whether a defendant is appropriate for electronic monitoring. After a hearing, the court may order that the defendant be placed under electronic monitoring, provided that the court finds that placing the defendant under electronic monitoring will assist in ensuring a defendant's compliance with conditions of release, mitigating a defendant's risk of flight, or reasonably protecting the public. In making such a determination, the court shall consider:

(1) the nature of the offense with which the defendant is charged;

(2) the defendant's prior convictions, history of violence, medical and mental health needs, history of supervision, risk of flight, and history of compliance with court orders; and

(3) any risk or undue burden to other persons who reside at the proposed residence, risk to third parties, or risk to public safety that may result from the placement.

(d) Policies. The Department of Corrections shall establish a written policies and procedures manual for the electronic monitoring program to be used by the Department, any contractors or grantees that the Department engages with to assist in operating the program, and the courts.

(e) Failure to comply. The Department of Corrections may report a violation of the defendant's electronic monitoring conditions to the prosecutor and the defendant, provided that a defendant's failure to comply with any condition of the Program for a reason other than fault on the part of the defendant shall not be reportable. To address a reported violation, the prosecutor may initiate:

(1) a review of conditions pursuant to section 7554 of this title;

(2) a violation of conditions proceeding pursuant to section 7554e of this title; or

(3) a prosecution for contempt pursuant to section 7559 of this title; or

(4) a bail revocation hearing pursuant to section 7575 of this title.



Sec. 6. 13 V.S.A. § 7554g is added to read:

§ 7554g. PRE-TRIAL SUPERVISION PROGRAM

(a) Purpose. The purpose of the Pre-Trial Supervision Program is to assist eligible people through the use of evidence-based strategies to improve pre-trial compliance with conditions of release, to coordinate and support the provision of pre-trial services when appropriate, to ensure attendance at court appearances, and to decrease the potential to recidivate while awaiting trial.

(b) Definition. As used in this section, “Absconding” has the same meaning as defined in 28 V.S.A. § 722(1).

(c) Pre-trial supervision.

(1) The Pre-Trial Supervision Program shall supervise defendants who violate conditions of release pursuant to section 7554e or 7559 of this title, have not fewer than five pending dockets, pose a risk of nonappearance at court proceedings, pose a risk of flight from prosecution, or pose a risk to public safety.

(2) The Department of Corrections shall be responsible for supervising defendants who are placed in the Pre-Trial Supervision Program. The Department shall assign a pre-trial supervisor to monitor defendants in a designated region of Vermont and help coordinate any pre-trial services needed by the defendant. The Department shall determine the appropriate level of supervision based on evidence-based screenings of those defendants eligible to be placed in the Program. The Department’s supervision methods may include use of:

- (A) the Department’s telephone monitoring system;
- (B) telephonic meetings with a pre-trial supervisor;
- (C) in-person meetings with a pre-trial supervisor; or
- (D) any other means of contact deemed appropriate.

(3) If the court determines that the defendant is appropriate for the Pre-Trial Supervision Program, the court shall issue an order placing the defendant in the Program and setting the defendant’s conditions of supervision.

(d) Procedure.

(1) At the request of the court, the prosecutor, or the defendant, the defendant may be reviewed by the court to determine whether the defendant is appropriate for pre-trial supervision. The review shall be scheduled upon the court’s receipt of a report from the Department of Corrections determining that the defendant is eligible for pre-trial supervision. A defendant held without

bail pursuant to section 7553 or 7553a shall not be eligible for pre-trial supervision.

(2) A defendant is eligible for pre-trial supervision if the person:

(A) has violated conditions of release pursuant to section 7554e or 7559 of this title;

(B) has not fewer than five pending court dockets;

(C) poses a risk of nonappearance at court proceedings;

(D) poses a risk of flight from prosecution; or

(E) poses a risk to public safety.

(3) After a hearing, the court may order that the defendant be released to the Pre-Trial Supervision Program, provided that the court finds placing the defendant under pre-trial supervision will reasonably ensure the person's appearance in court when required, mitigate the person's risk of flight, or reasonable ensure protection of the public. In making such a determination, the court shall consider any of the following:

(A) the nature of the violation of conditions of release pursuant to section 7554e or 7559 of this title;

(B) the nature and circumstances of the underlying offense with which the defendant is charged;

(C) the defendant's prior convictions, history of violence, medical and mental health needs, history of supervision, and risk of flight; or

(D) any other factors that the court deems appropriate.

(e) Compliance and review.

(1) Pre-trial supervisors shall notify the prosecutor and use reasonable efforts to notify the defendant of any violations of Program supervision requirements committed by the defendant.

(A) Upon submission of the pre-trial supervisor's sworn affidavit by the prosecutor, the court may issue a warrant for the arrest of a defendant who fails to report to the pre-trial supervisor, commits multiple violations of supervision requirements, or is suspected of absconding.

(B) The defendant may appear before the court not later than the next business day following the arrest to modify the defendant's conditions.

(2) At the request of the court, the prosecutor, or the defendant, a defendant's compliance with pre-trial supervision conditions may be reviewed

by the court. The court may issue an appropriate order in accordance with the following:

(A) A defendant who complies with all conditions of the Pre-Trial Supervision Program for not less than 90 days may receive a reduction in supervision level or may be removed from the Program altogether.

(B) A defendant who violates a condition of the Pre-Trial Supervision Program may receive an increase in supervision level or other sanction permitted by law.

Sec. 7. 13 V.S.A. § 7575 is amended to read:

§ 7575. REVOCATION OF THE RIGHT TO BAIL

(a) Revocation. The right to bail may be revoked entirely if the judicial officer finds the accused has:

(1) intimidated or harassed a victim, potential witness, juror, or judicial officer in violation of a condition of release; ~~or~~

(2) repeatedly violated conditions of release in a manner that ~~impedes~~ disrupts the prosecution of the accused; ~~or~~

(3) violated a condition or conditions of release that constitute a threat to the integrity of the judicial system; ~~or~~

(4) without just cause, failed to appear at a specified time and place ordered by a judicial officer; or

(5) in violation of a condition of release, been charged with a felony or a crime against a person or an offense similar to the underlying charge, for which, after hearing, probable cause is found.

(b) Hearing required; burden of proof. The court may revoke bail only after notice to the defendant and a hearing. The State shall have the burden of proving by a preponderance of the evidence that the accused engaged in the conduct identified in subdivisions (a)(1)–(5) of this section.

(c) Evidence. To meet its burden, the State shall present substantial, admissible evidence sufficient to fairly and reasonably convince a fact finder beyond a reasonable doubt that the accused is guilty. Such evidence may be shown through affidavits and sworn statements, provided the defendant has the opportunity to present direct evidence at a hearing. Evidence only showing that the accused may endanger the public is insufficient to meet the burden pursuant to this section.

(d) Orders. A court may only revoke bail upon a finding that a legitimate and compelling State interest exists to revoke bail. The court shall not revoke

bail based on a breach of conditions of release alone or solely because the accused may endanger the public. In any order revoking bail, the court shall make a specific finding that the State met its burden pursuant to subsection (c) of this section.

Sec. 8. 13 V.S.A. § 7576 is amended to read:

§ 7576. DEFINITIONS

As used in this chapter:

\* \* \*

(9) “Flight from prosecution” means any action or behavior undertaken by a person charged with a criminal offense to avoid court proceedings, including noncompliance with court orders and a person’s failure to appear at court hearings.

Sec. 9. 13 V.S.A. § 7030 is amended to read:

§ 7030. SENTENCING ALTERNATIVES

(a) In determining which of the following should be ordered, the court shall consider the nature and circumstances of the crime; the history and character of the defendant; the defendant’s family circumstances and relationships; the impact of any sentence upon the defendant’s minor children; the need for treatment; any violations of conditions of release by the defendant that are established by reliable evidence; and the risk to self, others, and the community at large presented by the defendant:

(1) A deferred sentence pursuant to section 7041 of this title.

(2) Referral to a community reparative board pursuant to 28 V.S.A. chapter 12 in the case of an offender who has pled guilty to a nonviolent felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the subject areas prohibited for referral to a community justice center under 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this subdivision does not require the court to place the offender on probation. The offender shall return to court for further sentencing if the reparative board does not accept the case or if the offender fails to complete the reparative board program to the satisfaction of the board in a time deemed reasonable by the board.

(3) Probation pursuant to 28 V.S.A. § 205.

(4) Supervised community sentence pursuant to 28 V.S.A. § 352.

(5) Sentence of imprisonment.

(b) When ordering a sentence of probation, the court may require participation in the Restorative Justice Program established by 28 V.S.A. chapter 12 as a condition of the sentence.

Sec. 10. 18 V.S.A. § 4253 is amended to read:

§ 4253. USE OF A FIREARM WHILE SELLING OR DISPENSING A DRUG

(a) A person who uses a firearm during and in relation to selling or dispensing a regulated drug in violation of subdivision 4230(b)(3), 4231(b)(3), 4232(b)(3), 4233(b)(3), 4234(b)(3), 4234a(b)(3), 4235(c)(3), or 4235a(b)(3) of this title shall be imprisoned not more than three years or fined not more than \$5,000.00, or both, in addition to the penalty for the underlying crime.

(b) A person who uses a firearm during and in relation to trafficking a regulated drug in violation of subsection 4230(c), 4231(c), 4233(c), or 4234a(c) of this title shall be imprisoned not more than five years or fined not more than \$10,000.00, or both, in addition to the penalty for the underlying crime.

(c) For purposes of this section, “use of a firearm” ~~shall include~~ includes:

(1) using a firearm while selling or trafficking a regulated drug; and

(2) the exchange of firearms for drugs, and this section shall apply to the person who trades a firearm for a drug and the person who trades a drug for a firearm.

(d) Conduct constituting the offense of using a firearm while selling or trafficking a regulated drug shall be considered a violent act for the purposes of determining bail.

Sec. 11. DEPARTMENT OF CORRECTIONS; POSITIONS;  
APPROPRIATION

(a) On July 1, 2024, six new permanent classified Pre-Trial Supervisor positions are created in the Department of Corrections. In addition to any other duties deemed appropriate by the Department, the Pre-Trial Supervisors shall monitor and supervise persons placed in the Pre-Trial Supervision Program pursuant to 13 V.S.A. § 7554g.

(b) The six Pre-Trial Supervisors established in subsection (a) of this section shall be subject to a General Fund appropriation in FY 2025.

(c) On July 1, 2024, one new permanent classified administrative assistant position is created in the Department of Corrections. In addition to any duties deemed appropriate by the Department, the administrative assistant shall

provide administrative support to the Pre-Trial Supervision Program pursuant to 13 V.S.A. § 7554g.

(d) The one administrative assistant established in subsection (c) of this section shall be subject to a General Fund appropriation in FY 2025.

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 4-1-0)

**Reported favorably with recommendation of amendment by Senator Sears for the Committee on Appropriations.**

The Committee recommends that the bill be amended as recommended by the Committee on Judiciary, with the further amendment as follows:

First: In Sec. 6, 13 V.S.A. § 7554g, by inserting a new subsection to be subsection (f) to read as follows:

(f) Contingent on funding. The Pre-Trial Supervision Program established in this section shall operate only to the extent funds are appropriated for its operation.

Second: By striking out Sec. 11, Department of Corrections; positions; appropriation, in its entirety and inserting in lieu thereof a new Sec. 11 to read as follows:

Sec. 11. [Deleted.]

(Committee vote: 7-0-0)

**S. 253.**

An act relating to building energy codes.

**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:

Sec. 1. FINDINGS

The General Assembly finds:

(1) According to the 2020 State of Vermont Greenhouse Gas Emissions Inventory Update and Forecast, home and business heating and cooling is the second largest source of greenhouse gas (GHG) emissions in Vermont.

(2) Under 10 V.S.A. § 578, the State has an obligation to meet named GHG reduction requirements. In order to attain these reductions, GHG emissions from the thermal sector, that is, the heating and cooling of homes and businesses, must be reduced.

(3) One method of reducing thermal sector emissions is to increase the energy efficiency of Vermont's homes and businesses through building to an energy-efficient building energy standard.

(4) Vermont established the Residential Building Energy Standards (RBES) in 1997 and the Commercial Building Energy Standards (CBES) in 2007. The Department of Public Service is responsible for adopting and updating these codes regularly but does not have the capacity to administer or enforce them.

(5) The RBES and CBES are mandatory, but while municipalities with building departments handle some aspects of review and inspection, there is no State agency or office designated to interpret, administer, and enforce them.

(6) The Division of Fire Safety in the Department of Public Safety is responsible for development, administration, and enforcement of building codes but does not currently have expertise or capacity to add administration or enforcement of energy codes in buildings.

(7) Studies in recent years show compliance with the RBES at about 54 percent and CBES at about 87 percent, with both rates declining. Both codes are scheduled to become more stringent with the goal of "net-zero ready" by 2030.

## Sec. 2. ENERGY CODE COMPLIANCE; WORKING GROUP

(a) Creation. There is created the Building Energy Code Working Group to recommend strategies for increasing compliance with the Residential Building Energy Standards (RBES) and Commercial Building Energy Standards (CBES).

(b) Membership. The Working Group shall have 15 members with applicable expertise, to include program design and implementation, building code administration and enforcement, and Vermont's construction industry. The Committee on Committees shall appoint one Senator. The Speaker of the House shall appoint one member of the House. The remaining members shall be the following:

- (1) the Commissioner of Public Service or designee;
- (2) the Director of Fire Safety or designee;
- (3) a representative of Efficiency Vermont;

- (4) a representative of American Institute of Architects–Vermont;
- (5) a representative of the Vermont Builders and Remodelers Association;
- (6) a representative the Burlington Electric Department;
- (7) a representative of Vermont Gas Systems;
- (8) a representative of the Association of General Contractors of Vermont;
- (9) a representative of the Vermont League of Cities and Towns;
- (10) a representative from a regional planning commission;
- (11) a representative from the Vermont Housing and Conservation Board;
- (12) a representative of the Office of Professional Regulation; and
- (13) a representative from the Vermont Association of Realtors.

(c) Powers and duties. The Working Group shall:

- (1) recommend strategies and programs to increase awareness of and compliance with the RBES and CBES, including the use of appropriate certifications for contractors trained on the energy codes;
- (2) develop plans and recommendations for a potential transition to a comprehensive program for the RBES and CBES at the Divisions of Fire Safety, including potential funding sources; and
- (3) consider whether or not the State should adopt a statewide building code.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Department of Public Service. The Working Group may hire a third-party consultant to assist and staff the Working Group, which may be funded by monies appropriated by the General Assembly, or any grant funding received.

(e) Report. On or before January 15, 2025, and annually until 2030, the Working Group shall submit a written report to the Senate Committee on Natural Resources and Energy and the House Committee on Environment and Energy with its findings and recommendations for legislative action.

(f) Meetings.

(1) The Department of Public Service shall call the first meeting of the Working Group to occur on or before July 15, 2024.



(2) The Working Group shall elect 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 15, 2030.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Working Group serving in the legislator's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight meetings in fiscal year 2025.

(2) Other members of the Working Group who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings in fiscal year 2025.

(3) The payments under this subsection shall be made from monies appropriated by the General Assembly or any grant funding received.

Sec. 3. 30 V.S.A. § 51(c) is amended to read:

(c) Revision and interpretation of energy standards. The Commissioner of Public Service shall amend and update the RBES by means of administrative rules adopted in accordance with 3 V.S.A. chapter 25. On or before January 1, 2011, the Commissioner shall complete rulemaking to amend the energy standards to ensure that, to comply with the standards, residential construction must be designed and constructed in a manner that complies with the 2009 edition of the IECC. After January 1, 2011, the Commissioner ~~shall ensure that appropriate revisions are made promptly~~ may direct the timely and appropriate revision of the RBES after the issuance of updated standards for residential construction under the IECC. The Department of Public Service shall provide technical assistance and expert advice to the Commissioner in the interpretation of the RBES and in the formulation of specific proposals for amending the RBES. Prior to final adoption of each required revision of the RBES, the Department of Public Service shall convene an Advisory Committee to include one or more mortgage lenders, builders, building designers, utility representatives, and other persons with experience and expertise, such as consumer advocates and energy conservation experts. The Advisory Committee may provide the Commissioner with additional recommendations for revision of the RBES.

\* \* \*

Sec. 4. 30 V.S.A. § 53(c) is amended to read:

(c) Revision and interpretation of energy standards. On or before January 1, 2011, the Commissioner shall complete rulemaking to amend the commercial building energy standards to ensure that commercial building construction must be designed and constructed in a manner that complies with ANSI/ASHRAE/IESNA standard 90.1-2007 or the 2009 edition of the IECC, whichever provides the greatest level of energy savings. ~~At least every three years after January 1, 2011, the~~ The Commissioner of Public Service shall amend and update the CBES by means of administrative rules adopted in accordance with 3 V.S.A. chapter 25. ~~The Commissioner shall ensure that appropriate revisions are made promptly~~ may direct the timely and appropriate revision of the CBES after the issuance of updated standards for commercial construction under the IECC or ASHRAE/ANSI/IESNA standard 90.1, whichever provides the greatest level of energy savings. Prior to final adoption of each required revision of the CBES, the Department of Public Service shall convene an Advisory Committee to include one or more mortgage lenders; builders; building designers; architects; civil, mechanical, and electrical engineers; utility representatives; and other persons with experience and expertise, such as consumer advocates and energy conservation experts. The Advisory Committee may provide the Commissioner of Public Service with additional recommendations for revision of the CBES.

\* \* \*

Sec. 5. RESIDENTIAL BUILDING CONTRACTOR REGISTRY;  
WEBSITE UPDATES

(a) As part of its application to register with the residential building contractor registry administered by the Vermont Secretary of State, the Office of Professional Regulation shall require that a registrant:

(1) designate the geographic areas the registrant serves;

(2) designate the trade services the registrant offers from a list of trade services compiled by the Office; and

(3) acknowledge that compliance with 30 V.S.A. §51 (residential building energy standards) and 30 V.S.A. § 53 (commercial building energy standards) is required.

(b) On or before January 1, 2025, the Office of Professional Regulation shall update the website for the residential building contractor registry administered by the Vermont Secretary of State to:

(1) regularize usage of the term “residential contractor,” or another term selected by the Office, across the website to replace usages of substantially

similar terms, such as “builder,” “contractor,” or “residential building contractor”;

(2) publish a registrant’s designations under subdivisions (a)(1) and (a)(2) of this section in the registrant’s listing on the website;

(3) implement a search feature to enable consumers to filter registrants by trade service provided, geographic area served, voluntary certification, or any other criteria the Office deems appropriate; and

(4) add a clear and conspicuous notice that a residential contractor is required by law to comply with State building energy standards.

#### Sec. 6. RESIDENTIAL BUILDING CONTRACTOR CONTRACT TEMPLATES

The Office of Professional Regulation shall update any contract template the Office furnishes for residential building contracting to provide that the residential contractor is required to comply with 30 V.S.A. § 51 (residential building energy standards) and 30 V.S.A. § 53 (commercial building energy standards).

#### Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

**Reported favorably by Senator Starr for the Committee on Appropriations.**

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Natural Resources and Energy.

### NOTICE CALENDAR

#### Committee Bill for Second Reading

#### Favorable with Recommendation of Amendment

#### S. 301.

An act relating to miscellaneous agricultural subjects.

**By the Committee on Agriculture. (Senator Wrenner for the Committee.)**

**Reported favorably with recommendation of amendment by Senator Wrenner for the Committee on Agriculture.**

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

\* \* \* Agricultural Water Quality \* \* \*

Sec. 1. 6 V.S.A. § 4831 is amended to read:

§ 4831. VERMONT SEEDING AND FILTER STRIP PROGRAM

(a) The Secretary of Agriculture, Food and Markets is authorized to develop a Vermont Critical Source Area Seeding and Filter Strip Program in addition to the federal Conservation Reserve Enhancement Program in order to compensate farmers for establishing and maintaining harvestable perennial vegetative grassed waterways and filter strips on agricultural cropland perpendicular and adjacent to the surface waters of the State, including ditches. Eligible acreage ~~would include~~ includes annually tilled cropland or a portion of cropland currently cropped as hay ~~that will not be rotated into an annual crop for a 10-year period of time.~~ Acreage that is currently managed as hay shall have a prior history of rotation as corn or other annual commodity crop.

(b) Incentive payments from the Agency of Agriculture, Food and Markets shall be made at the outset of a ~~10-year~~ grant agreement to establish or maintain the acreage as harvestable grassed waterway or filter strip.

(c) The Secretary of Agriculture, Food and Markets may establish by procedure financial and technical criteria for the implementation and operation of the Vermont Critical Source Area Seeding and Filter Strip Program.

(d) Land enrolled in the Vermont agricultural buffer program shall be considered to be in “active use” as that term is defined in 32 V.S.A. § 3752(15).

\* \* \* Agricultural Warehouses \* \* \*

Sec. 2. 6 V.S.A. chapter 67 is amended to read:

CHAPTER 67. PUBLIC WAREHOUSES THAT STORE FARM  
PRODUCTS

§ 891. LICENSE

Excepting frozen food locker plants, any person, as defined in 9A V.S.A. §§ 1-201 and 7-102, who stores ~~milk, cream, butter, cheese, eggs, meat, poultry, and fruit eggs,~~ as that term is defined in chapter 27 of this title, or produce, as that term is defined in section 851 of this title, for hire in quantities of 1,000 pounds or more ~~of any commodity~~ shall first be licensed by the Secretary of Agriculture, Food and Markets. Each separate place of business shall be licensed.

## § 892. REQUIREMENTS

Before licensing ~~such places~~ a place of business under this chapter, the Secretary of Agriculture, Food and Markets shall ~~satisfy himself or herself be satisfied~~ as to the condition of the building, sanitation, refrigeration, and the general safety of the stored goods under the rules and requirements that ~~he or she~~ the Secretary may deem proper.

## § 893. APPLICATION FORMS; FEE

The Secretary of Agriculture, Food and Markets shall furnish necessary application forms. The annual license date shall be ~~April 1~~ January 1. The annual license fee shall be \$125.00.

Sec. 3. 6 V.S.A. § 2672(5) is amended to read:

(5) “Milk handler” or “handler” is a person, firm, unincorporated association, or corporation engaged in the business of buying, selling, assembling, packaging, storing, or processing milk or other dairy products for sale within the State of Vermont or outside the State. “Milk handler” or “handler” does not mean a milk producer.

Sec. 4. 6 V.S.A. § 2721 is amended to read:

## § 2721. HANDLERS’ LICENSES

(a) The Secretary may classify and issue licenses to milk handlers to carry on dairy product handling businesses, including the purchase, distribution, storage, or sale of milk or milk products, processing or manufacturing of milk or milk products, including the pasteurization of frozen dessert mixes, transport of milk and milk products, bargaining and collecting for the sale of milk and milk products, and dealing in or brokering milk or milk products.

(b) A milk handler shall not transact business in the State unless the milk handler secures and holds a handler’s license from the Secretary. The license shall terminate September 1 each year and shall be procured by August 15 of each year. The Secretary shall furnish all forms for applications, licenses, and bonds. At the time the application is delivered to the Secretary, the milk handler shall pay a license application fee of \$50.00 for an initial application and a license fee based on the following table. For a renewal application, only the fee in the table applies. Out-of-state firms shall use the company’s highest total pounds of milk or dairy products bought, sold, packaged, assembled, transported, stored, or processed per production day.

Pounds of milk or dairy products bought, sold, packaged, assembled, transported, <u>stored</u> , or processed per production day:	License handling fee
500 pounds or less	\$ 60.00
Over 500 but less than 10,000 pounds	\$ 200.00
10,000 to 50,000 pounds	\$ 350.00
Over 50,000 but less than 100,000 pounds	\$ 750.00
100,000 to 500,000 pounds	\$1,000.00
Over 500,000 pounds	\$1,500.00
Processor fee per pasteurizer	\$ 75.00

(c) Notwithstanding subsection (b) of this section, the license handling fees only for the transportation of bulk milk shall be capped at \$750.00 per year, and the license handling fees for milk producers who exclusively transport their own bulk milk shall be capped at \$25.00 per year.

Sec. 5. 6 V.S.A. § 3302(36) is amended to read:

(36) “Public ~~warehouseman~~ warehouse operator” means any person who acts as a temporary custodian of meat, meat food product, or poultry product stored in that person’s warehouse for a fee.

Sec. 6. 6 V.S.A. § 3306 is amended to read:

§ 3306. LICENSING

(a) No person shall engage in intrastate commerce in the business of buying, selling, preparing, processing, packing, storing, transporting, or otherwise handling meat, meat food products, or poultry products, unless that person holds a valid license issued under this chapter. Categories of licensure shall include commercial slaughterers; custom slaughterers; commercial processors; custom processors; wholesale distributors; retail vendors; meat and poultry product brokers; renderers; public warehouse operators; animal food manufacturers; handlers of dead, dying, disabled, or diseased animals; and any other category that the Secretary may by rule establish.

\* \* \*

(d) The annual fee for a license for a retail vendor is \$15.00 for vendors without meat processing operations, \$50.00 for vendors with meat processing space of less than 300 square feet or meat display space of less than 20 linear feet, and \$100.00 for vendors with 300 or more square feet of meat processing

space or 20 or more linear feet of meat display space. Fees collected under this section shall be deposited in a special fund managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be available to the Agency to offset the cost of administering chapter 204 of this title. For all other plants, establishments, and related businesses listed under subsection (a) of this section, ~~except for a public warehouse licensed under chapter 67 of this title,~~ the annual license fee shall be \$150.00.

\* \* \*

\* \* \* Livestock Dealers \* \* \*

Sec. 7. 6 V.S.A. § 761 is amended to read:

§ 761. DEFINITIONS

As used in this chapter:

(1) “Camelids” has the same meaning as in section 1151 of this title.

(2) “Domestic deer” has the same meaning as in section 1151 of this title.

(3) “Equines” has the same meaning as in section 1151 of this title.

(4) “Livestock” means cattle, ~~horses~~ equines, sheep, swine, goats, camelids, fallow deer, red deer, reindeer, and domestic deer, American bison, and any other domestic animal that the Secretary deems livestock for the purposes of this chapter.

~~(2)~~(5) “Livestock dealer” means a person who, on the person’s own account or for commission, goes from place to place buying, selling, or transporting livestock either directly or through online or other remote transaction, or who operates a livestock auction or sales ring, provided that “livestock dealer” shall not mean:

(A) a federal agency, including any department, division, or authority within the agency;

(B) a nonprofit association approved by the Secretary; or

(C) a person who engages in “farming,” as that term is defined in 10 V.S.A. § 6001(22), and who raises, feeds, or manages livestock as part of a farming operation when that person is buying, selling, or transporting livestock for the person’s farm.

~~(3)~~(6) “Packer” means a ~~livestock dealer~~ person who is solely involved in the purchase of livestock for purpose of slaughter at ~~his or her~~ the person’s own slaughter facility.

~~(4)~~(7) “Person” means any individual, partnership, unincorporated association, or corporation.

~~(5)~~(8) “Transporter” means a ~~livestock dealer who limits his or her activity to transporting~~ person who transports livestock for remuneration ~~and who does not buy or sell livestock~~. A transporter ~~cannot buy or sell livestock~~ ~~and~~ is not required to be bonded.

Sec. 8. 6 V.S.A. § 762(a) is amended to read:

(a) A person shall not carry on the business of a livestock dealer, packer, or transporter without first obtaining a license from the Secretary of Agriculture, Food and Markets. Before the issuance of a each applicable license, a person shall file an application on Agency-provided forms with the Secretary ~~an application for a license on forms provided by the Agency~~. Each application shall be accompanied by a fee of \$175.00 for livestock dealers and packers and \$100.00 for livestock transporters.

\* \* \* Contagious Diseases and Animal Movement \* \* \*

Sec. 9. 6 V.S.A. § 1151 is amended to read:

#### § 1151. DEFINITIONS

As used in this part:

(1) “Accredited veterinarian” means a veterinarian approved by the U.S. Department of Agriculture and the State Veterinarian to perform functions specified by cooperative state-federal disease control programs.

(2) “Animal” or “domestic animal” means cattle, sheep, goats, equines, domestic deer, American bison, swine, poultry, ~~pheasant, Chukar partridge, Coturnix quail,~~ psittacine birds, domestic ferrets, camelids, ratites (ostriches, rheas, and emus), ~~and water buffalo, and any other animals that the Secretary deems a domestic animal for the purposes of this chapter. The term shall include cultured fish propagated by commercial fish farms. Before determining that an unlisted species is a “domestic animal,” the Secretary shall consult with the Secretary of Natural Resources.~~

\* \* \*

(7) ~~“Deer”~~ “Domestic deer” means any member of the family cervidae except for white-tailed deer and moose.

(8) “Domestic fowl” or “poultry” means all domesticated birds of all ages that ~~may be used~~ are edible as human food, or that produce eggs that ~~may be used~~ are edible as human food, excluding ~~those birds protected~~ wildlife as defined by 10 V.S.A. part 4 § 4001.



(9) ~~“Equine animal” means~~ “Equines” mean any member of the family equidae, including horses, ponies, mules, asses, and zebras.

(10) ~~“Fallow deer” means domesticated deer of the genus Dama, species dama.~~

(11) ~~“Red deer” means domesticated deer of the family cervidae, subfamily cervidae, genus Cervus, species elaphus.~~

(12)(11) ~~“Reactor” means~~ an animal that tests positive to any official test required under this chapter.

(13)(12) ~~“Reportable disease” means~~ any disease included in the National List of Reportable Animal Diseases and any disease required by the Secretary by rule to be reportable.

(14)(13) ~~“Secretary” means~~ the Secretary of Agriculture, Food and Markets or designee.

Sec. 10. 6 V.S.A. § 1153 is amended to read:

#### § 1153. RULES

(a) The Secretary shall adopt rules necessary for the discovery, control, and eradication of contagious diseases and for the slaughter, disposal, quarantine, vaccination, and transportation of animals found to be diseased or exposed to a contagious disease. The Secretary may also adopt rules requiring the disinfection and sanitation of real estate, buildings, vehicles, containers, and equipment that have been associated with diseased livestock.

(b) The Secretary shall adopt rules establishing fencing and transportation requirements for domestic deer.

(c) The Secretary shall adopt rules necessary for the inventory, registration, tracking, and testing of domestic deer.

Sec. 11. 6 V.S.A. § 1165 is amended to read:

#### § 1165. TESTING OF CAPTIVE DEER

(a) Definitions. As used in this section:

(1) “Captive deer operation” means a place where domestic deer are privately or publicly maintained, in an artificial manner, or held for economic or other purposes within a perimeter fence or confined space.

(2) “Chronic wasting disease” or “CWD” means a transmissible spongiform encephalopathy.

(b) Testing. A person operating a captive deer operation under the jurisdiction of the Secretary of Agriculture, Food and Markets shall inform the Secretary when a captive deer in ~~his or her~~ the person's control dies or is sent to slaughter. The person operating the captive deer operation shall make the carcass of a deceased or slaughtered animal available to the Secretary for testing for CWD.

(c) Cost. The cost of CWD testing required under this section shall be assessed to the person operating the captive deer operation from which the tested captive deer originated.

\* \* \* Pesticides; Mosquito Control; Rodenticides \* \* \*

Sec. 12. 6 V.S.A. § 1083 is amended to read:

§ 1083. DUTIES OF SECRETARY OF AGRICULTURE, FOOD AND MARKETS; AUTHORITY OF LANDOWNERS TO USE MOSQUITO CONTROLS

(a) The Secretary of Agriculture, Food and Markets ~~shall~~ may personally or through the Secretary's duly authorized agents:

(1) Survey swamps or other sections within the State suspected of being mosquito or other biting arthropod breeding areas.

(2) Map each section so surveyed, indicate all mosquito or other biting arthropod breeding places and determine methods best adapted for mosquito or other biting arthropod abatement in the areas by drainage, ~~oiling~~ habitat modification, or other means.

(3) Investigate the mosquito or other biting arthropod life history and habits and determine the species present within the areas, and make any other studies ~~he or she~~ the Secretary deems necessary to provide useful information in mosquito or other biting arthropod abatement.

(4) Make the results of the Secretary's surveys, investigations, and studies available to the Department of Health, or relevant selectboard members, or mayors of towns or cities, as the case may be, in which work was done; and shall do so also upon request, shall make those results available to any organizations, ~~public or private~~, or individuals interested in mosquito or other biting arthropod ~~control~~ surveillance work.

(5) Issue or deny permits to any person for the use of larvicides or pupacides for mosquito control in the waters of the State pursuant to procedures adopted under 3 V.S.A. chapter 25. Such procedures shall include provisions regarding an opportunity for public review and comment on permit applications. Persons applying for a permit shall apply on a form provided by

the Agency. ~~The Secretary shall seek the advice of the Agricultural Innovation Board when designating acceptable control products and methods for their use and when adopting or amending procedures for implementing this subsection.~~ Before issuing a permit under this subsection, the Secretary shall find, after consultation with the Secretary of the Agency of Natural Resources, that there is acceptable risk to the nontarget environment and that there is negligible risk to public health.

(6) Notwithstanding the provisions of subdivision (5) of this subsection, when the Commissioner of Health has determined that available information suggests that an imminent risk to public health exists as a result of a potential outbreak of West Nile Virus or other serious illness for which mosquitoes are vectors, the Secretary of Agriculture, Food and Markets may issue permits for the use of larvicides or pupacides for mosquito control without prior public notice or comment.

(b) Notwithstanding any provisions of law to the contrary, a landowner may use ~~biological larvicides or pupacides on his or her own land~~ a properly registered mosquito control pesticide for mosquito control ~~on the landowner's land~~ without obtaining a permit, provided that the ~~biological larvicide or pupacide is designated~~ Secretary designates it as an acceptable control product for this purpose ~~by the Secretary and the landowner complies with all requirements on the label of the product.~~

Sec. 13. 6 V.S.A. § 1084 is amended to read:

§ 1084. ~~ENGINEERS OR TECHNICIANS~~ EMPLOYEES; EQUIPMENT;  
ENTRY ON LANDS

The Secretary may employ one or more trained ~~mosquito control engineers or technicians~~ persons to carry out provisions of section 1083 of this title and procure such equipment as is necessary. The Secretary ~~and his or her~~ or duly authorized agents of the Secretary may enter upon any lands in the State making the aforementioned surveys, investigations, and studies.

Sec. 14. 6 V.S.A. § 1085 is amended to read:

§ 1085. MOSQUITO CONTROL GRANT PROGRAM

(a) A Mosquito Control District formed pursuant to 24 V.S.A. chapter 121 may apply, in a manner prescribed by the Secretary, in writing to the Secretary of Agriculture, Food and Markets for a State assistance grant for mosquito control activities.

(b) After submission of an application under subsection (a) of this section, the Secretary of Agriculture, Food and Markets may award a grant of 75 percent or less of the project costs for the purchase and application of

larvicide and the costs associated with required larval survey activities within a Mosquito Control District. The Mosquito Control District may provide 25 percent of the project costs through in-kind larvicide services or the purchase of capital equipment used for larval management activities. At the Secretary's discretion, costs associated with capital equipment that may be required for larval ~~control~~ management programs within a Mosquito Control District may be eligible for grant awards up to 75 percent of the total equipment costs.

\* \* \*

(e) Larvicide application funded in part under this section shall occur only after the Secretary of Agriculture, Food and Markets approves treatment as warranted within a Mosquito Control District. The approval of the Secretary shall be based upon a biological assessment of mosquito larvae and pupae populations by a ~~technician~~ person trained and approved by the Agency of Agriculture, Food and Markets.

\* \* \*

Sec. 15. 6 V.S.A. § 911 is amended to read:

§ 911. DEFINITIONS

As used in this chapter:

\* \* \*

(4) "Secretary" means the Secretary of Agriculture, Food and Markets.

(5) "Economic poison" means:

(A) any substance produced, distributed, or used for preventing, destroying, or repelling any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living humans or other animals, that the Secretary shall declare to be a pest; or

(B) any substance produced, distributed, or used as a plant regulator, defoliant, or desiccant.

\* \* \*

(18) "Rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal that the Secretary shall declare to be a pest.

\* \* \*

(29) “Second-generation anticoagulant rodenticide” means any rodenticide containing any one of the following active ingredients: brodifacoum, bromadiolone, difenacoum, or difethialone.

Sec. 16. 6 V.S.A. § 918(g) is added to read:

(g) The Secretary shall register as a restricted use pesticide any second-generation anticoagulant rodenticide that is distributed, sold, sold into, or offered for sale within the State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State.

\* \* \* Vermont Agricultural Credit Program \* \* \*

Sec. 17. 10 V.S.A. § 374a is amended to read:

§ 374a. CREATION OF THE VERMONT AGRICULTURAL CREDIT PROGRAM

(a) There is created the Vermont Agricultural Credit Program, which will provide an alternative source of sound and constructive credit to farmers and forest products businesses who are not having their credit needs fully met by conventional agricultural credit sources at reasonable rates and terms; or, in the alternative, the granting of the loan shall serve as a substantial inducement for the establishment or expansion of an eligible project within the State. The Program is intended to meet, either in whole or in part, the credit needs of eligible agricultural facilities and farm operations in fulfillment of one or more of the purposes listed in this subsection by making direct loans and participating in loans made by other agricultural credit providers:

(1) to encourage diversification, cooperative farming, and the development of innovative farming techniques for farming and forest products businesses;

\* \* \*

Sec. 18. 10 V.S.A. § 374b is amended to read:

§ 374b. DEFINITIONS

As used in this chapter:

(1) “Agricultural facility” means land and rights in land, buildings, structures, machinery, and equipment that is used for, or will be used for producing, processing, preparing, packaging, storing, distributing, marketing, or transporting agricultural or forest products that have been primarily at least partially produced in this State, and working capital reasonably required to operate an agricultural facility.

\* \* \*

(4) “Farm ownership loan” means a loan to acquire or enlarge a farm or agricultural facility, to make capital improvements including construction, purchase, and improvement of farm and agricultural facility buildings, farm worker housing, or farmer housing that can be made fixtures to the real estate, to promote soil and water conservation and protection or provide housing, and to refinance indebtedness incurred for farm ownership or operating loan purposes, or both.

\* \* \*

(8) “Farm operation” ~~shall mean~~ means the cultivation of land or other uses of land for the production of food, fiber, horticultural, silvicultural, orchard, maple syrup, Christmas trees, forest products, or forest crops; the raising, boarding, and training of equines, and the raising of livestock; or any combination of the foregoing activities. “Farm operation” also means the storage, preparation, retail sale, and transportation of agricultural or forest commodities accessory to the cultivation or use of such land. “Farm operation” also ~~shall mean~~ means the operation of an agritourism business on a farm subject to regulation under the Required Agricultural Practices. “Farm operation” also means a business that provides specialty services to farmers, such as foresters, farriers, hoof trimmers, or large animal veterinarians operating mobile units.

(9) “Forest products business” means a ~~Vermont~~ an enterprise that is ~~primarily~~ engaged in managing, harvesting, trucking, processing, manufacturing, crafting, or distributing forest products at least partially derived from Vermont forests.

\* \* \*

(15) ~~“Resident” means a person who is or will be domiciled in this State as evidenced by an intent to maintain a principal dwelling place in the State indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with that intent, including the filing of a Vermont income tax return within 18 months of the application for a loan under this chapter. In the case of a limited liability company, partnership, corporation, or other business entity, resident means a business entity formed under the laws of Vermont, the majority of which is owned and operated by Vermont residents who are natural persons. [Repealed.]~~

Sec. 19. 10 V.S.A. § 374h is amended to read:

§ 374h. LOAN ELIGIBILITY STANDARDS

A farmer, forest products business, or a limited liability company, partnership, corporation, or other business entity ~~the majority with a minimum~~ 20 percent ownership of which is vested in one or more farmers, forest products businesses, or a nonprofit corporation, shall be eligible to apply for a farm ownership or operating loan that shall be intended to expand the agricultural economy or forest economy of the State, provided the applicant is:

~~(1)~~ a resident of this State and will help to expand the agricultural economy of the State;

~~(2)~~ an owner, prospective purchaser, or lessee of agricultural land in the State or of depreciable machinery, equipment, or livestock to be used in the State;

~~(3)~~(2) a person of sufficient education, training, or experience in the operation and management of an agricultural facility or farm operation or forest products business of the type for which the applicant requests the loan;

~~(4)~~(3) an operator or proposed operator of an agricultural facility, farm operation, or forest products business for whom the loan reduces investment costs to an extent that offers the applicant a reasonable chance to succeed in the operation and management of an agricultural facility or farm operation;

~~(5)~~(4) a creditworthy person under such standards as the corporation may establish;

~~(6)~~(5) able to provide and maintain adequate security for the loan by a mortgage on real property or a security agreement and perfected financing statement on personal property;

~~(7)~~(6) able to demonstrate that the applicant is responsible and able to manage responsibilities as owner or operator of the farm operation, agricultural facility, or forest products business;

~~(8)~~(7) able to demonstrate that the applicant has made adequate provision for insurance protection of the mortgaged or secured property while the loan is outstanding;

~~(9)~~(8) a person who possesses the legal capacity to incur loan obligations;

~~(10)~~(9) in compliance with such other reasonable eligibility standards as the corporation may establish;

~~(11)~~(10) able to demonstrate that the project plans comply with all regulations of the municipality where it is to be located and of the State of Vermont;

~~(12)~~(11) able to demonstrate that the making of the loan will be of public use and benefit;

~~(13)~~(12) able to demonstrate that the proposed loan will be adequately secured by a mortgage on real property or by a security agreement on personal property; and

~~(14)~~(13) there will be sufficient projected cash flow to service a reasonable level of debt, including the loan or loans, being considered by the corporation.

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

Sec. 20. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

(Committee vote: 5-0-0)

**Reported favorably by Senator Bray for the Committee on Finance.**

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Agriculture.

(Committee vote: 7-0-0)

**S. 304.**

An act relating to Vermont's career and technical education programs.

**By the Committee on Education. (Senator Weeks for the Committee.)**

**Reported favorably with recommendation of amendment by Senator Weeks 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:

\* \* \* CTE Opportunities for Grades Six through 10 \* \* \*

Sec. 1. 16 V.S.A. § 1541a is amended to read:

§ 1541a. RESPONSIBILITY OF LOCAL BOARDS IN SENDING DISTRICTS

(a) A school board of a sending district that offers public education in grade 11 or 12 shall:



(1) Provide students enrolled in grades 11 and 12 with a genuine opportunity to participate fully and to benefit from career technical education.

\* \* \*

(4) Provide students in grades six through eight with career enrichment and exposure. Such exposure shall include visits to or equivalent virtual experiences with the school district's regional career and technical education center at least once between the grades of six and eight.

(5) Provide students enrolled in grades nine and 10 a genuine opportunity to participate fully in pre-tech and exploratory career and technical courses.

\* \* \*

Sec. 2. 16 V.S.A. § 1547 is added to read:

§ 1547. COMPREHENSIVE CAREER DEVELOPMENT POLICY

(a) The Secretary of Education, in consultation with the Commissioner of Labor, shall develop a model Comprehensive Career Development Policy for all secondary students. The Secretary shall review the model policy not less than every five years and make a determination as to whether the policy needs updating. The model policy shall ensure each student has the opportunity for robust discussion and planning regarding the student's career awareness, exploration, and future goals, consistent with the student's personalized learning plan. The policy shall require each school district to partner with its regional CTE center to develop and ensure the provision of career planning. The policy shall encourage districts to work regionally together in alignment on this policy implementation to preserve CTE capacity.

(b) Each school district board shall develop, adopt, and ensure implementation of a policy and plan for comprehensive career development that is consistent with and at least as comprehensive as the model policy developed by the Secretary. Any school district board that fails to adopt such a policy or procedures shall be presumed to have adopted the most current model policy and procedures published by the Secretary.

Sec. 3. DEVELOPMENT OF COMPREHENSIVE CAREER  
DEVELOPMENT POLICY; REPORT

(a) On or before December 1, 2024, the Secretary of Education shall develop and issue the model Comprehensive Career Development Policy required under 16 V.S.A. § 1547.

(b) On or before June 30, 2025, each school district board shall develop, adopt, and ensure implementation of a policy and plan for comprehensive

career development that is consistent with and at least as comprehensive as the model policy developed by the Secretary as required under 16 V.S.A. § 1547.

\* \* \* Construction Aid \* \* \*

Sec. 4. CONSTRUCTION AID; CAREER AND TECHNICAL EDUCATION

It is the intent of the General Assembly to ensure that career and technical education centers and their associated facilities are appropriately and equitably included in future updates to the State's construction aid program under 16 V.S.A. chapter 123.

\* \* \* CTE Oversight \* \* \*

Sec. 5. 16 V.S.A. chapter 37, subchapter 2 is amended to read:

Subchapter 2. State Board of Education Oversight of Career and Technical Education

§ 1531. RESPONSIBILITY OF STATE BOARD SECRETARY

(a) The State Board Secretary has overall responsibility for the effectiveness of career technical education. This requires the Board Secretary to collect suitable information and to take appropriate steps within its the Secretary's legal, financial, and personnel resources to ensure that:

\* \* \*

(b) In order to provide regional career technical education services efficiently, the State Board Secretary shall designate a service region for each career technical center. However, the Board Secretary may designate a service region for two or more comprehensive high schools if that region is not served by a career technical center.

(c) For a school district that is geographically isolated from a Vermont career technical center, the State Board Secretary may approve a career technical center in another state as the career technical center that district students may attend. In this case, the school district shall receive transportation assistance pursuant to section 1563 of this title and tuition assistance pursuant to subsection 1561(c) of this title. Any student who is a resident in the Windham Southwest Supervisory Union and who is enrolled at public expense in the Charles H. McCann Technical School or the Franklin County Technical School shall be considered to be attending an approved career technical center in another state pursuant to this subsection, and, if the student is from a school district eligible for a merger support grant pursuant to section 4015 of this title or a small school weight pursuant to section 4010 of

this title, the student's full-time equivalency shall be computed according to time attending the school.

#### § 1532. MINIMUM STANDARDS; MEASUREMENT OF STANDARDS

(a) The ~~State Board~~ Agency of Education shall adopt by rule:

(1) Minimum standards for the operation and performance of career technical centers that include the education quality standards adopted by the State Board under subdivision 164(9) and section 165 of this title.

(2) Standards for student performance based on the standards adopted by the State Board under subdivision 164(9) of this title and standards for industry recognized credentials.

\* \* \*

(b) The following shall be adopted by procedure or rule:

(1) ~~competencies~~ proficiencies that graduates of each kind of career technical program should be able to demonstrate, including career technical competencies necessary for the student's intended employment;

(2) minimum admissions ~~competencies~~ proficiencies for entrance into each career technical course of study;

\* \* \*

#### § 1533. CAREER TECHNICAL CENTER EVALUATION

(a) At least once in each period of five years, ~~and in coordination with the Vermont Advisory Council on Career Technical Education,~~ the Secretary shall evaluate the effectiveness of each career technical center in the State. The ~~State Board~~ Secretary by rule shall prescribe the method for conducting these evaluations.

(b) Evaluations of career technical centers shall consider at least the following areas:

(1) compliance with this chapter and the rules of the ~~State Board~~ Secretary;

(2) the condition and suitability of the facility and its equipment;

(3) the quality of the course of study, including faculty development policies and instruction;

(4) the overall success of the center at combining academic education, skill training, and employability trait development into its program;

(5) the overall success of the center in providing regionwide services and a flexible response to student needs, integrating its courses of study into a coherent program, and coordinating its program with postsecondary career technical education services;

(6) the satisfaction of the center's customer groups, including graduates, sending schools, and local industry;

(7) the adequacy and effectiveness of the center in meeting the educational and employment needs of all its eligible students, including its success in taking steps to encourage each student to consider enrolling in courses not traditional for that student's gender; and

(8) alignment of the program, and other center operations, to Agency of Education, District Quality Standards (CVR 23-020), as applicable.

(c) [Repealed.]

#### § 1534. COURSE OF STUDY EVALUATION

(a) At least once in each period of five years, ~~and in coordination with the Vermont Advisory Council on Career Technical Education,~~ the Secretary shall evaluate the effectiveness of each course of study offered by any career technical center in the State. ~~The State Board~~ Secretary by rule shall prescribe the method for conducting these evaluations.

\* \* \*

#### Sec. 6. TRANSFER OF RULEMAKING AUTHORITY; TRANSFER OF RULES

(a) The statutory authority to adopt rules by the State Board of Education pertaining to the oversight of career and technical education adopted under 16 V.S.A. chapter 37 and 3 V.S.A. chapter 25 is transferred from the State Board of Education to the Agency of Education.

(b) All rules pertaining to career and technical education adopted by the State Board of Education under 3 V.S.A. chapter 25 prior to July 1, 2024 shall be deemed the rules of the Agency of Education and remain in effect until amended or repealed by the Agency of Education pursuant to 3 V.S.A. chapter 25.

(c) The Agency of Education shall provide notice of the transfer to the Secretary of State and the Legislative Committee on Administrative Rules in accordance with 3 V.S.A. § 848(d)(2).

\* \* \* Postsecondary Program Articulation Agreements \* \* \*

Sec. 7. 16 V.S.A. § 1594 is added to read:

§ 1594. POSTSECONDARY PROGRAM ALIGNMENT

(a) In order to promote a seamless pathway from CTE to postsecondary opportunities, the Vermont State Colleges Corporation shall maintain program and course articulation agreements with all secondary CTE centers in the following programs:

- (1) manufacturing;
- (2) engineering;
- (3) health sciences;
- (4) education; and
- (5) carpentry, construction, and building trades.

(b) As used in this section, “articulation agreement” means an officially approved agreement between a secondary CTE center and the Vermont State Colleges Corporation that allows secondary CTE students to earn college credit for the work they complete at a secondary CTE center.

\* \* \* Position \* \* \*

Sec. 8. POSITION; APPROPRIATION

(a) The establishment of one new permanent classified CTE Education Programs Coordinator position is authorized in the Agency of Education 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 CTE Education Programs Coordinator position established under subsection (a) of this section.

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

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

(Committee vote: 5-0-0)

**Reported favorably with recommendation of amendment by Senator Baruth for the Committee on Appropriations.**

The Committee recommends that the bill be amended as recommended by the Committee on Education, with further amendment as follows:

By striking out Sec. 8, position; appropriation, and its reader assistance heading in their entireties and inserting in lieu thereof the following:

Sec. 8. [Deleted.]

(Committee vote: 7-0-0)

**S. 310.**

An act relating to natural disaster government response, recovery, and resiliency.

**By the Committee on Government Operations. (Senator Hardy for the Committee.)**

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

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

\* \* \* Creation of the Community Resilience and Disaster Mitigation Grant Program and Fund \* \* \*

Sec. 1. 20 V.S.A. § 48 is added to read:

§ 48. COMMUNITY RESILIENCE AND DISASTER MITIGATION GRANT PROGRAM

(a) Program established. There is established the Community Resilience and Disaster Mitigation Grant Program to award grants to covered municipalities to provide support for disaster mitigation, adaptation, or repair activities.

(b) Definition. As used in this section, “covered municipality” means a city, town, fire district or incorporated village, and all other governmental incorporated units that participate in the National Flood Insurance Program in accordance with 42 U.S.C. Chapter 50.

(c) Administration; implementation.

(1) Grant awards. The Department of Public Safety, in coordination with the Department of Environmental Conservation, shall administer the Program, which shall award grants for the following:

(A) technical assistance for natural disaster mitigation, adaptation, or repair to municipalities;

(B) technical assistance for the improvement of municipal stormwater systems and other municipal infrastructure;

(C) projects that implement disaster mitigation measures, adaptation, or repair, including watershed restoration and similar activities that directly reduce risks to communities, lives, public collections of historic value, and property; and

(D) projects to adopt and meet the State's model flood hazard bylaws.

(2) Grant Program design. The Department of Public Safety, in coordination with the Department of Environmental Conservation, shall design the Program. The Program design shall:

(A) establish an equitable system for distributing grants statewide on the basis of need according to a system of priorities, including the following, ranked in priority order:

(i) projects that meet the standards established by the Department of Environmental Conservation's Stream Alteration Rule and Flood Hazard Area and River Corridor Rule.

(ii) projects that use funding as a match for other grants, including grants from the Federal Emergency Management Agency (FEMA);

(iii) projects that are in hazard mitigation plans; and

(iv) projects that are geographically located around the State, but with a priority for projects in communities identified as high on the municipal vulnerability index, as determined by the Vermont Climate Council;

(B) establish guidelines for disaster mitigation measures and costs that will be eligible for grant funding; and

(C) establish eligibility criteria for covered municipalities, but allow municipalities to partner with community organizations to apply for grants and implement projects awarded funding by those grants.

Sec. 2. 20 V.S.A. § 49 is added to read:

§ 49. COMMUNITY RESILIENCE AND DISASTER MITIGATION FUND

(a) Creation. There is established the Community Resilience and Disaster Mitigation Fund to provide funding to the Community Resilience and Disaster

Mitigation Grant Program established in section 48 of this title. The Fund shall be administered by the Department of Public Safety.

(b) Monies in the Fund. The Fund shall consist of monies appropriated to the Fund.

(c) Fund administration.

(1) The Commissioner of Finance and Management may anticipate receipts to this Fund and issue warrants based thereon.

(2) The Commissioner of Public Safety shall maintain accurate and complete records of all receipts by and expenditures from the Fund.

(3) All balances remaining at the end of a fiscal year shall be carried over to the following year.

(d) Reports. On or before January 15 each year, the Commissioner of Public Safety shall submit a report to the House Committees on Environment and Energy and House Government Operations and Military Affairs and the Senate Committees on Government Operations and Natural Resources and Energy with an update on the expenditures from the Fund. For each fiscal year, the report shall include a summary of each project receiving funding. 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. 3. COMMUNITY RESILIENCE AND DISASTER MITIGATION GRANT PROGRAM; APPROPRIATION

In fiscal year 2025, the amount of \$15,000,000.00 in general funds shall be appropriated to the Community Resilience and Disaster Mitigation Fund established in 20 V.S.A. § 49.

Sec. 4. 32 V.S.A. § 8557 is amended to read:

#### § 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

(a)(1) Sums for the expenses of the operation of training facilities and curriculum of the Vermont Fire Service Training Council not to exceed ~~\$1,200,000.00~~ \$1,350,000.00 per year shall be paid to the Fire Safety Special Fund created by 20 V.S.A. § 3157 by insurance companies, writing fire, homeowners multiple peril, allied lines, farm owners multiple peril, commercial multiple peril (fire and allied lines), private passenger and commercial auto, and inland marine policies on property and persons situated within the State of Vermont within 30 days after notice from the Commissioner of Financial Regulation of such estimated expenses. Captive companies shall be excluded from the effect of this section.



\* \* \*

(4) An amount not less than ~~\$150,000.00~~ \$300,000.00 shall be specifically allocated to the Emergency Medical Services Special Fund established under 18 V.S.A. § 908 for the provision of training programs for certified Vermont EMS first responders and licensed emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics.

\* \* \*

\* \* \* Benefits for Survivors of Public Works Personnel \* \* \*

Sec. 5. 20 V.S.A. § 2 is amended to read:

§ 2. DEFINITIONS

As used in this chapter:

\* \* \*

(6) “Emergency management” means the preparation for and implementation of all emergency functions, other than the functions for which the U.S. Armed Forces or other federal agencies are primarily responsible, to prevent, plan for, mitigate, and support response and recovery efforts from all-hazards. Emergency management includes the utilization of first responders and other emergency management personnel and the equipping, exercising, and training designed to ensure that this State and its communities are prepared to deal with all-hazards.

(7) “First responder” means State, county, and local governmental and nongovernmental personnel who provide immediate support services necessary to perform emergency management functions, including:

(A) emergency management and public safety personnel;

(B) firefighters, as that term is defined in section 3151 of this title;

(C) law enforcement officers, as that term is defined in section 2351a of this title;

(D) public safety telecommunications and dispatch personnel;

(E) emergency medical personnel and volunteer personnel, as those terms are defined in 24 V.S.A. § 2651;

(F) licensed professionals who provide clinical services, including emergency care, in hospitals;

(G) public health personnel;

(H) public works personnel, including water, wastewater, and stormwater personnel; and

(I) equipment operators and other skilled personnel, who provide services necessary to enable the performance of emergency management functions.

(8) “Hazard mitigation” means any action taken to reduce or eliminate the threat to persons or property from all-hazards.

(8)(9) “Hazardous chemical or substance” means:

\* \* \*

(9)(10) “Hazardous chemical or substance incident” means any mishap or occurrence involving hazardous chemicals or substances that may pose a threat to persons or property.

(10)(11) “Homeland security” means the preparation for and carrying out of all emergency functions, other than the functions for which the U.S. Armed Forces or other federal agencies are primarily responsible, to prevent, minimize, or repair injury and damage resulting from or caused by enemy attack, sabotage, or other hostile action.

(11)(12) “Radiological incident” means any mishap or occurrence involving radiological activity that may pose a threat to persons or property.

Sec. 6. 20 V.S.A. chapter 181 is amended to read:

CHAPTER 181. BENEFITS FOR THE SURVIVORS OF EMERGENCY  
AND PUBLIC WORKS PERSONNEL

§ 3171. DEFINITIONS

As used in this chapter:

(1) “Board” means the Emergency and Public Works Personnel Survivors Benefit Review Board.

(2) “Child” means a natural or legally adopted child, regardless of age.

(3) “Domestic partner” means an individual with whom the employee has an enduring domestic relationship of a spousal nature, provided the employee and the domestic partner:

(A) have shared a residence for at least six consecutive months;

(B) are at least 18 years of age;

(C) are not married to or considered a 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.

(4) "Emergency personnel" means:

(A) firefighters as defined in subdivision 3151(3) of this title; and

(B) emergency medical personnel and volunteer personnel as defined in 24 V.S.A. § 2651.

~~(4)~~(5) "Line of duty" means:

(A) for emergency personnel:

(i) answering or returning from a call of the department for a fire or emergency or training drill; or

~~(B)~~(ii) similar service in another town or district to which the department has been called for firefighting or emergency purposes; and

(B) for public works personnel, work performed:

(i) in a hazardous location;

(ii) as part of an emergency response to an all-hazards event, as that term is defined in section 2 of this title; or

(iii) in conjunction with emergency personnel in a construction zone, highway traffic area, or other location in which the public works personnel is exposed to risk of injury or fatality from construction hazards, highway traffic volume and speed, nighttime response, environmental factors, weather, or other hazardous conditions.

~~(5)~~(6) "Occupation-related illness" means a disease that directly arises out of, and in the course of, service, including a heart injury or disease symptomatic within 72 hours from the date of last service in the line of duty, which shall be presumed to be incurred in the line of duty.

~~(6)~~(7) "Parent" means a natural or adoptive parent.

(8) "Public works personnel" includes water, wastewater, and stormwater personnel.

(9) "Spouse" includes a domestic partner or civil union partner.

~~(7)~~(10) "Survivor" means a spouse, child, or parent of emergency personnel or public works personnel who have died in the line of duty.

§ 3172. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS  
BENEFIT REVIEW BOARD

(a) There is created the Emergency and Public Works Personnel Survivors Benefit Review Board, which shall consist of the State Treasurer or designee, the Attorney General or designee, the Chief Fire Service Training Officer of the Vermont Fire Service Training Council or designee, and ~~one member~~ two members of the public, one to represent the interests of emergency personnel and one to represent the interests of public works personnel, who shall be appointed by the Governor for a term of two years. Survivors of emergency personnel or public works personnel, employed by or who volunteer for the State of Vermont, a county or municipality of the State, or a nonprofit entity that provides services in the State, who die in the line of duty or of an occupation-related illness may request the Board award a monetary benefit under section 3173 of this title. The Board shall be responsible for determining whether to award monetary benefits under section 3173. A decision to award monetary benefits shall be made by unanimous vote of the Board and shall be made within 60 days after the receipt of all information necessary to enable the Board to determine eligibility. The Board may request any information necessary for the exercise of its duties under this section. Nothing in this section shall prevent the Board from initiating the investigation or determination of a claim before being requested by a survivor or employer of emergency personnel.

\* \* \*

(c) If the Board decides to award a monetary benefit, the benefit shall be paid to the surviving spouse or, if the emergency personnel or public works personnel had no spouse at the time of death, to the surviving child, or equally among surviving children. If the deceased emergency personnel or public works personnel is not survived by a spouse or child, the benefit shall be paid to a surviving parent, or equally between surviving parents. If the deceased emergency personnel or public works personnel is not survived by a spouse, children, or parents, the Board shall not award a monetary benefit under this chapter.

\* \* \*

(f) ~~The~~ Each member of the public appointed by the Governor shall be entitled to per diem compensation authorized under 32 V.S.A. § 1010 for each day spent in the performance of ~~his or her~~ the member's duties.

§ 3173. MONETARY BENEFIT

(a) The survivors of emergency personnel or public works personnel who ~~dies~~ die while in the line of duty or from an occupation-related illness may apply for a payment of ~~\$50,000.00~~ up to \$80,000.00 from the State.

\* \* \*

§ 3175. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS BENEFIT SPECIAL FUND

(a) The Emergency and Public Works Personnel Survivors Benefit Special Fund is established in the Office of the State Treasurer for the purpose of the payment of claims distributed pursuant to this chapter. The Fund shall comprise appropriations made by the General Assembly, amounts transferred by the Emergency Board when the General Assembly is not in session, and contributions or donations from any other source. All balances in the Fund at the end of the fiscal year shall be carried forward. Interest earned shall remain in the Fund.

(b) In the event that the balance of the Fund is insufficient to pay monetary benefits awarded by the Board when the General Assembly is not in session, the Emergency Board may, pursuant to its authority under 32 V.S.A. § 133, transfer into the Fund additional amounts necessary to pay the monetary benefits.

\* \* \*

\* \* \* Emergency Management \* \* \*

Sec. 7. 20 V.S.A. § 6 is amended to read:

§ 6. LOCAL AND REGIONAL ORGANIZATION FOR EMERGENCY MANAGEMENT

(a) Each town and city of this State ~~is hereby authorized and directed to shall~~ establish a local organization for emergency management in accordance with the State emergency management plan and program. The executive officer or legislative branch of the town or city ~~is authorized to shall~~ appoint a town or city emergency management director who shall have direct responsibility for the organization, administration, and coordination of the local organization for emergency management, subject to the direction and control of the executive officer or legislative branch. If the town or city ~~that~~ has not adopted the town manager form of government in accordance with 24 V.S.A. chapter 37 and the executive officer or legislative branch of the town or city has not appointed an emergency management director, the executive officer or legislative branch shall ~~be the~~ appoint a town or city emergency

management director. The town or city emergency management director may appoint an emergency management coordinator and other staff as necessary to accomplish the purposes of this chapter. In an instance of a vacancy of the position of a town or city emergency management director, the executive officer or the chair or president of the legislative branch shall be the emergency management director.

(b) Each local organization for emergency management shall perform emergency management functions within the territorial limits of the town or city within which it is organized ~~and, in~~ which may include coordinating the utilization of first responders and other emergency management personnel pursuant to the all-hazards emergency management plan adopted pursuant to subsection (c) of this section. In addition, each local organization for emergency management shall conduct such functions outside the territorial limits as may be required pursuant to the provisions of this chapter and in accord with rules adopted by the Governor.

(c)(1) Each local organization shall develop and maintain an all-hazards emergency management plan in accordance with the State Emergency Management Plan and guidance set forth by the Division of Emergency Management.

(2) The Division shall amend the local emergency plan template and any best management practices or guidance the Division issues to municipalities to address the need for the siting of local and regional emergency shelters in a manner that allows access by those in need during an all-hazards event.

(3) The Division shall advise municipalities that when a shelter is sited under a local emergency plan, the municipality should work with the Agency of Human Services and the American Red Cross to assess the facility, including the characteristics of the surrounding area during an all-hazards event and multiple routes of travel and possible hazards that could prevent access to the shelter.

(4) The Division, in coordination with the Agency of Human Services, shall advise municipalities, upon completion of a local emergency management plan, on how to conduct training and exercises pertaining to sheltering.

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

\* \* \*

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

(A) Voting members. The local emergency management director or designee and one representative from each town and city in the region shall serve as the voting members of the committee. A representative from a town or city shall be a member of the town's or city's emergency services community and shall be appointed by the town's or city's executive or legislative branch.

(B) Nonvoting members. Nonvoting members may include representatives from the following organizations serving within the region: fire departments, emergency medical services, law enforcement, other entities providing emergency response personnel, media, transportation, regional planning commissions, hospitals, the Department of Health's district office, the Division of Emergency Management, organizations serving vulnerable populations, local libraries, arts and culture organizations, regional development corporations, local business organizations, and any other interested public or private individual or organization.

\* \* \*

Sec. 8. 20 V.S.A. § 31 is amended to read:

§ 31. STATE EMERGENCY RESPONSE COMMISSION; DUTIES

(a) The Commission shall have authority to:

\* \* \*

(7) Ensure that ~~a State plan~~ the State Emergency Management Plan will go into effect when an accident occurs involving the transportation of hazardous materials. The ~~plan~~ Plan shall be exercised at least once annually and shall be coordinated with local and State emergency plans.

\* \* \*

Sec. 9. 20 V.S.A. § 32 is amended to read:

§ 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION; DUTIES

(a) One or more local emergency planning committees, created under EPCRA, shall be appointed by the State Emergency Response Commission. "EPCRA" means the federal Emergency Planning and Community Right-To-Know Act of 1986, 42 U.S.C. §§ 11001–11050.

(b) All local emergency planning committees shall include representatives from the following: fire departments; local and regional emergency medical services; local, county, and State law enforcement; other entities providing first responders or emergency management personnel; media; transportation;

regional planning commissions; hospitals; industry; the Vermont National Guard; the Department of Health's district office; and an animal rescue organization, and may include any other interested public or private individual or organization. Where the local emergency planning committee represents more than one region of the State, the Commission shall appoint representatives that are geographically diverse.

(c) A local emergency planning committee shall perform all the following duties:

(1) Carry out all the requirements of a committee pursuant to EPCRA, including preparing a local emergency planning committee plan. The plan shall be coordinated with the State emergency management plan and may be expanded to address all-hazards identified in the State emergency management plan. At a minimum, the local emergency planning committee plan shall include the following:

(A) Identifies facilities and transportation routes of extremely hazardous substances.

(B) Describes the utilization of first responders and other emergency management personnel and emergency response procedures, including those identified in facility plans.

(C) Designates a local emergency planning committee coordinator and facility coordinators to implement the plan.

(D) Outlines emergency notification procedures.

(E) Describes how to determine the probable affected area and population by releases of hazardous substances.

(F) Describes local emergency equipment and facilities and the persons responsible for them.

(G) Outlines evacuation plans.

(H) Provides for coordinated local training to ensure integration with the State emergency management plan.

(I) Provides methods and schedules for exercising emergency plans.

(2) Upon receipt by the committee or the committee's designated community emergency coordinator of a notification of a release of a hazardous chemical or substance, ensure that the local emergency plan has been implemented.

(3) Consult and coordinate with the heads of local government emergency services, the emergency management director or designee, persons



in charge of local first responders and other local emergency management personnel, regional planning commissions, and the managers of all facilities within the jurisdiction regarding the facility plan.

(4) Review and evaluate requests for funding and other resources and advise the State Emergency Response Commission concerning disbursement of funds.

(5) Work to support the various emergency services and other entities providing first responders or emergency management personnel, mutual aid systems, town governments, regional planning commissions, State agency district offices, and others in their area in conducting coordinated all-hazards emergency management activities.

Sec. 10. 20 V.S.A. § 41 is added to read.

§ 41. STATE EMERGENCY MANAGEMENT PLAN.

The Department of Public Safety's Vermont Emergency Management Division shall create, and republish as needed, but not less than every five years, a comprehensive State Emergency Management Plan. The Plan shall detail response systems during all-hazards events, including communications, coordination among State, local, private, and volunteer entities, and the deployment of State and federal resources. The Plan shall also detail the State's emergency preparedness measures and goals, including those for the prevention of, protection against, mitigation of, and recovery from all-hazards events. The Plan shall include templates and guidance for local emergency plans that support municipalities in their respective emergency management planning.

Sec. 11. VERMONT EMERGENCY MANAGEMENT DIVISION  
DISASTER PREPAREDNESS REVIEW

(a) Review. On or before June 30, 2024, the Department of Public Safety's Division of Vermont Emergency Management (VEM) shall conduct an after-action review of the State's disaster preparedness leading up to, during, and after the 2023 summer flooding events throughout the State, overseen by the Director of VEM. The review shall examine all aspects of the State's response and shall include input from the whole community. In addition to the federal Homeland Security Exercise and Evaluation Program's requirements, the review shall include examining the adequacy of early warning and evacuation orders, designated evacuation routes and emergency shelters, the present system of local emergency management directors in wide-spread emergencies and the State's present emergency communications systems.

(b) Report. On or before December 15, 2025, the Director of VEM shall submit a written report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with its findings regarding the disaster preparedness review, and, if the Director determines there to be inadequacies present in the State’s disaster preparedness, a plan for improving the State’s disaster preparedness, which may include any recommendations for legislative action.

Sec. 12. ESTABLISHMENT OF FIVE AND A HALF NEW REGIONAL EMERGENCY MANAGEMENT PROGRAM COORDINATORS; APPROPRIATION

(a) Five new permanent full-time positions are created in the Department of Public Safety’s Emergency Management Division for emergency management coordination.

(b) One new permanent part-time position is created in the Department of Public Safety’s Emergency Management Division for emergency management coordination.

(c) The sum of \$550,000.00 is appropriated from the General Fund to the Department of Public Safety in fiscal year 2025 for the purpose of funding five and a half new Regional Emergency Management Program Coordinators.

\* \* \* Municipal Stormwater Utilities \* \* \*

Sec. 13. 24 V.S.A. chapter 101 is amended to read:

CHAPTER 101. SEWAGE, SEWAGE DISPOSAL SYSTEM, AND STORMWATER SYSTEMS

§ 3601. DEFINITIONS

~~The definitions established in section 3501 of this title shall establish the meanings of those words as used in this chapter, and the following words and phrases as used in~~ As used in this chapter shall have the following meanings:

~~(1) “Necessity” means a reasonable need that considers the greatest public good and the least inconvenience and expense to the condemning party and to the property owner. Necessity shall not be measured merely by expense or convenience to the condemning party. Due consideration shall be given to the adequacy of other property and locations; to the quantity, kind, and extent of property that may be taken or rendered unfit for use by the proposed taking; to the probable term of unfitness for use of the property; to the effect of construction upon scenic and recreational values, upon home and homestead rights and the convenience of the owner of the land; to the effect upon town grand list and revenues.~~

(2) “Board” means the board of sewage disposal system commissioners.

(2) “Domestic sewage” or “house sewage” means sanitary sewage derived principally from dwellings, business buildings, and institutions.

(3) “Industrial wastes” or “trade wastes” means liquid wastes from industrial processes, including suspended solids.

(4) “Necessity” means a reasonable need that considers the greatest public good and the least inconvenience and expense to the condemning party and to the property owner. Necessity shall not be measured merely by expense or convenience to the condemning party. Due consideration shall be given to the adequacy of other property and locations; to the quantity, kind, and extent of property that may be taken or rendered unfit for use by the proposed taking; to the probable term of unfitness for use of the property; to the effect of construction upon scenic and recreational values, upon home and homestead rights and the convenience of the owner of the land; to the effect upon town grand list and revenues.

(5) “Sanitary sewage” means used water supply commonly containing human excrement.

(6) “Sanitary treatment” means an approved method of treatment of solids and bacteria in sewage before final discharge.

(7) “Sewage” means the used water supply of a community, including such used water supply or stormwater as may or may not be mixed with these liquid wastes from the community.

(8) “Sewage system” means any equipment, stormwater control system, pipe line system, and facilities as are needed for and appurtenant to the treatment or disposal of sewage and waters, including a sewage treatment or disposal plant and separate pipe lines and structural or nonstructural facilities as are needed for and appurtenant to the treatment or disposal of storm, surface, and subsurface waters.

(9) The phrase “sewage treatment or disposal plant” ~~shall include~~ includes, for the purposes of this chapter, any plant, equipment, system, and facilities, whether structural or nonstructural, as are necessary for and appurtenant to the treatment or disposal by approved sanitary methods of domestic sewage, garbage, industrial wastes, stormwater, or surface water.

(10) “Stormwater” has the same meaning as “stormwater runoff” under 10 V.S.A. § 1264.

(11) “Stormwater management system” means any structure, or improvement, whether structural or nonstructural, necessary for collecting,

containing, controlling, treating, or conveying stormwater, including sewers, curbs, drains, conduits, natural and man-made channels, settling ponds, pipes, and culverts.

§ 3602. BOARD OF COMMISSIONERS; MEMBERSHIP

(a) Except as provided for in subsection (b) of this section, the selectboard of a town, the trustees of a village, the prudential committee of a fire or lighting district, or the mayor and board of aldermen of a city, shall be the board of commissioners for the sewage system of a municipality.

(b) The legislative body of the municipality may vote to constitute a separate board of sewage system commissioners. The board shall have not less than three nor more than seven members, who shall be legally qualified voters of the municipality. Members shall be appointed, and any vacancy filled, by the legislative body of the municipality. The term of each member shall be four years. Any member may be removed by the legislative body of the municipality for just cause after due notice and hearing.

§ 3603. BOARD OF COMMISSIONERS; DUTIES AND AUTHORITY

(a) The board shall have the supervision of the municipal sewage system and shall make and establish all needed rates for rent and rules for control and operation of the system. The board may require:

(1) the owners of buildings, subdivisions, or developments abutting a public street or highway to have all sewers from those buildings, subdivisions, or developments connected to the municipal corporations sewer system; and

(2) any individual, person, or corporation to connect to the municipal sewage system for the purposes of abating pollution of the waters of the State.

(b) The commissioners may appoint or remove a superintendent at their pleasure.

§ 3602 3604. SEWAGE DISPOSAL PLANT, SYSTEM; CONSTRUCTION

A municipal corporation may:

(1) construct, maintain, operate, and repair a sewage disposal plant and system, to;

(2) pursuant to the procedures established in this chapter, take, purchase, and acquire, in the manner hereinafter mentioned, real estate and easements necessary for its purposes;

(3) may enter in and upon any land for the purpose of making surveys; and

(4) may lay and connect pipes, stormwater management systems, and sewers, ~~and connect the same~~ as may be necessary to convey sewage for the purpose of disposing and dispose of sewage by such municipal corporation.

§ ~~3603~~ 3605. ENTRY ON LANDS

Such A municipal corporation, for the purposes enumerated in section ~~3602~~ 3604 of this title chapter, may:

(1) enter upon and use any land and enclosures over or through which it may be necessary for pipes, stormwater management systems, and sewer to pass, ~~and may thereon;~~

(2) at any time, place, lay, and construct such any pipes and sewers, appurtenances, and connections as may be necessary for the complete construction and repairing of the ~~same from time to time,~~ may the system; and

(3) open the ground in any streets, lanes, avenues, highways, and public grounds for the purposes ~~hereof;~~ described in this section, provided that such the streets, lanes, avenues, highways, and public grounds shall not be injured; but shall be left in as good condition as before the laying of such the pipes, stormwater management systems, and sewers.

§ ~~3604~~ 3606. PETITION FOR HEARING TO DETERMINE NECESSITY

The municipal corporation may agree with all the owners of land or interest in land affected by ~~the a~~ survey made under section ~~3602~~ 3604 of this title chapter for the conveyance of ~~their~~ the owners' interest. Where such the agreement is not made, the board shall petition a ~~Superior judge~~ the Civil Division of the Superior Court, setting forth ~~therein in the~~ petition that such the board proposes to take certain land, or rights ~~therein in the~~ land, and describing such the lands or rights, ~~and the.~~ The survey shall be ~~annexed to~~ said included in the petition ~~and made a part thereof.~~ Such The petition shall set forth the purposes for which such the land or rights are desired; and shall contain a request that such judge the court fix a time and place when ~~he or she~~ or some other Superior judge the court will hear all parties concerned and determine whether such the taking is necessary.

§ ~~3605~~ 3607. HEARING TO DETERMINE NECESSITY

The judge to whom such the petition is presented shall fix the time for hearing, which shall not be more than 60 ~~nor~~ or less than 30 days from the date the judge signs such the order. Likewise, the judge shall fix the place for hearing, which shall be the county courthouse or any other convenient place within the county in which the land in question is located. If the Superior judge to whom such the petition is presented cannot hear the petition at the time set ~~therefore~~ for the hearing, ~~the Superior judge shall call upon~~ the Chief

Superior Judge to ~~shall~~ assign another Superior judge to hear ~~such~~ the cause at the time and place assigned in the order.

§ ~~3606~~ 3608. SERVICE AND PUBLICATION OF PETITION

(a) A copy of the petition together with a copy of the court's order fixing the time and place of hearing shall be published in a newspaper having general circulation in the town in which the land included in the survey lies once a week for three consecutive weeks on the same day of the week, ~~the~~. The last publication to be not less than five days before the hearing date, ~~and a~~.

(b) A copy of the petition, together with a copy of the court's order fixing the time and place of hearing, and a copy of the survey shall be placed on file in the clerk's office of the town.

(c) The petition, together with the court's order fixing the time and place of hearing, shall be served upon each person owning or having an interest in land to be purchased or condemned like a summons, or, on absent defendants, in ~~such~~ the manner as the Supreme Court may by rule provide for service of process in civil actions. If the service on any defendant is impossible, upon affidavit of the sheriff, deputy sheriff, or constable attempting service, ~~therein~~ stating that the location of the defendant within or ~~without~~ outside the State is unknown and that ~~he or she~~ the defendant has no known agent or attorney in the State of Vermont upon ~~which~~ whom service may be made, the publication ~~herein provided~~ required by this section shall be deemed sufficient service on the defendant.

(d) Compliance with the provisions ~~hereof~~ of this section shall constitute sufficient service upon and notice to any person owning or having any interest in the land proposed to be taken or affected.

§ ~~3607~~ 3609. HEARING AND ORDER OF NECESSITY

(a) At the time and place appointed for the hearing, the court shall hear all persons interested and wishing to be heard. If any person owning or having an interest in land to be taken or affected appears and objects to the necessity of taking the land included within the survey or any part ~~thereof~~ of the survey, then the court shall require the board to proceed with the introduction of evidence of the necessity of ~~such~~ the taking.

(b) The burden of proof of the necessity of the taking shall be upon the board.

(c) The court may cite in additional parties including other property owners whose interests may be concerned or affected by any taking of land or interest ~~therein~~ in land based on any ultimate order of the court.

(d) The court shall make findings of fact and file them. The court shall, by its order, determine whether necessity requires the taking of ~~such~~ land and rights and may modify or alter the proposed taking ~~in such respects as to it~~ the court may seem deem proper.

§ ~~3608~~ 3610. APPEAL FROM ORDER OF NECESSITY

(a) If the State, municipal corporation, or any owner affected by the order of the court is aggrieved ~~thereby~~ by the order, an appeal may be taken to the Supreme Court in ~~such~~ the manner as the Supreme Court may by rule provide for appeals from the Civil Division of the Superior courts Court.

(b) In the event an appeal is taken, all proceedings shall be stayed until final disposition of the appeal. If no appeals are taken within the time provided ~~therefor~~ or, if appeal is taken, upon its final disposition, a copy of the order of the court shall be placed on file within 10 days in the office of the clerk of each town in which the land affected lies, and ~~thereafter~~ for a period of one year, the board may institute proceedings for the condemnation of the land included in the survey as finally approved by the court without further hearing or consideration of any question of the necessity of the taking.

§ ~~3609~~ 3611. COMPENSATION; CONDEMNATION

(a) When an owner of land or rights ~~therein~~ in land and the board are unable to agree on the amount of compensation ~~therefor~~ or in case the owner is an infant, a person who lacks capacity to protect ~~his or her~~ the person's interests due to a mental condition or psychiatric disability, absent from the State, unknown, or the owner of a contingent or uncertain interest, a Superior judge may, on the application of either party, cause the notice to be given of the application as ~~he or she~~ the judge may prescribe, and after proof ~~thereof~~ of the application, the judge may appoint three disinterested persons to examine the property to be taken, or damaged by the municipal corporation.

(b) After being duly sworn, the commissioners shall, upon due notice to all parties in interest, view the premises, hear the parties in respect to the property, and shall assess and award to the owners and persons so interested just damages for any injury sustained and make report in writing to the judge.

(c) In determining damages resulting from the taking or use of property under the provisions of this chapter, the added value, if any, to the remaining property or right ~~therein~~ in property that inures directly to the owner ~~thereof~~ as a result of the taking or use as distinguished from the general public benefit, shall be considered.

(d) The judge may ~~thereupon~~ accept the report, unless just cause is shown to the contrary, and order the municipal corporation to pay the same in the

time and manner as the judge may prescribe, in full compensation for the property taken, or the injury done by the municipal corporation, or the judge may reject or recommit the report if the ends of justice so require. On compliance with the order, the municipal corporation may proceed with the construction of its work without liability for further claim for damages. In ~~his or her~~ the judge's discretion, the judge may award costs in the proceeding. Appeals from the order may be taken to the Supreme Court under 12 V.S.A. chapter 102.

§ ~~3610~~ 3612. RECORD

Within 60 days after the taking of any property, franchise, easement, or right under the provisions of this chapter, ~~sueh~~ the municipal corporation shall file a description ~~thereof~~ of the property in the office of the clerk ~~wherein~~ where the land records are required by law to be kept.

§ ~~3611~~ 3613. CONTRACT FOR SEWAGE DISPOSAL

(a) ~~Sueh~~ A municipal corporation may contract with the State, the federal government, or any appropriate agency ~~thereof~~, of the State or federal government; any town, city, or village; ~~any corporation~~; and any individuals to make disposal of sewage or stormwater for ~~sueh~~ the other town, city, village, corporation, or individuals. ~~Sueh~~ When consistent with State or federal law, ~~the~~ municipal corporation may make sale of sludge or fertilizer byproducts incident to sewage disposal, and the proceeds from the sale thereof shall be turned over to the treasury of ~~sueh~~ the sewage disposal district system and credited ~~therein~~ as is other income derived under the authority of this chapter.

\* \* \*

§ ~~3612~~ 3614. CHARGES; ENFORCEMENT

(a) ~~The owner of any tenement, house, building, or lot shall be liable for the sewage disposal charge as hereinafter defined. Such sewage disposal charge~~ A property owner or group of property owners using the sewage system shall be liable for the rent fixed by the board pursuant to this chapter. The charges, rates, or rents for the sewage system shall be a lien upon the real estate furnished with such service in the same manner and to the same effect as taxes are a lien upon real estate under 32 V.S.A. § 5061 and shall be an assessment enforceable under the procedures in subsections subsection (b), (c), or (d) of this section, or a combination of these procedures.

\* \* \*



§ ~~3613~~ 3615. TAXES, BONDS

For the purpose of adequately making disposal of sewage within its boundaries; successfully organizing, establishing, and operating its sewage plant, sewage disposal plant, or some form of sewage treatment plant; and making ~~such~~ improvements as may be necessary, a municipal corporation may ~~from time to time~~:

(1) purchase, take, and hold real and personal estate;

(2) borrow money;

(3) levy, and collect taxes upon the ratable estate of the municipal corporation necessary for the payment of municipal corporation sewage and sewage disposal expenses and indebtedness;

(4) issue for the purposes ~~hereof~~ of this section evidences of indebtedness pursuant to chapter 53, subchapter 2 of this title or its negotiable bonds pursuant to chapter 53, subchapter 1 of this title; provided, however, that bonds so issued:

(1)(A) shall not be considered as indebtedness of ~~such~~ the municipal corporation limited by the provisions of section 1762 of this title;

(2)(B) may be paid in not more than 30 years from the date of issue notwithstanding the limitation of section 1759 of this title;

(3)(C) may be authorized by a majority of all the voters present and voting on the question at a meeting of ~~such~~ the municipal corporation held for ~~the~~ this purpose pursuant to chapter 53, subchapter 1 of this title notwithstanding any provisions of general or special law ~~which that~~ may require a greater vote, and may be so arranged that beginning with the first year in which principal is payable, the amount of principal and interest in any year shall be as nearly equal as is practicable according to the denomination in which ~~such~~ the bonds or other evidences of indebtedness are issued notwithstanding other permissible payment schedules authorized by section 1759 of this title.

§ ~~3614~~. ~~BOARD OF SEWAGE DISPOSAL COMMISSIONERS~~

~~The selectboard of a town, the trustees of a village, the prudential committee of a fire or lighting district, or the mayor and board of aldermen of a city, shall constitute a board of sewage disposal commissioners.~~

§ ~~3615~~ 3616. RENTS; RATES

(a) ~~Such~~ A municipal corporation, through its board of ~~sewage disposal commissioners~~, may establish rates, rents, or charges to be called "sewage

~~disposal charges,~~<sup>22</sup> to be paid at such times and in such manner as the ~~commissioners board~~ may prescribe. The ~~commissioners board~~ may establish annual charges separately for bond repayment, fixed operations and maintenance costs (~~not dependent on actual use~~), and variable operations and maintenance costs dependent on flow.

(b) ~~Such~~ The rates, rents, or charges may be based upon:

(1) the metered consumption of water on premises connected with the sewer system, however, the ~~commissioners board~~ may determine no user will be billed for fixed operations and maintenance costs and bond payment less than the average ~~single-family~~ single-family charge;

(2) the number of equivalent units connected with or served by the sewage system based upon their estimated flows compared to the estimated flows from a ~~single-family~~ single-family dwelling, however, the ~~commissioners board~~ may determine no user will be billed less than the minimum charge determined for the ~~single-family~~ single-family dwelling charge for fixed operations and maintenance costs and bond payment;

(3) the strength and flow where wastes stronger than household wastes are involved;

(4) the appraised value of premises, in the event that the commissioners shall determine the sewage disposal plant to be of general benefit to the municipality regardless of actual connection with the same;

(5) the commissioners' determination developed using any other equitable basis such as the number and kind of plumbing fixtures;<sub>;</sub> the number of persons residing on or frequenting the premises served by those sewers;<sub>;</sub> and the topography, size, type of use, or impervious area of any premises;

(6) for groundwater, surface, or stormwater an equivalent residential unit based on an average area of impervious surface on residential property within the municipality; or

(7) any combination of these bases, so long as provided the combination is equitable.

~~(b)(c)~~ The basis for establishing sewer disposal rates, rents, or charges shall be reviewed annually by sewage disposal commissioners the board. No premises otherwise exempt from taxation, including premises owned by the State of Vermont, shall, by virtue of any ~~such~~ the exemption, be exempt from charges established ~~hereunder~~ under this section. The commissioners may change the rates of ~~such, rents, or charges from time to time~~ as may be reasonably required.

(d) Where one of the bases of ~~such a~~ rent, rate, or charge is the appraised value and the premises to be appraised are tax exempt, the ~~commissioners board~~ may cause the listers to appraise ~~such the~~ the property, including State property, for the purpose of determining the ~~sewage disposal the rates, rents, or charges~~. The right of appeal from ~~such the~~ the appraisal shall be the same as provided in 32 V.S.A. chapter 131. The Commissioner of Finance and Management is authorized to issue ~~his or her~~ warrants for ~~sewage disposal rates, rents, or charges~~ against State property and transmit to the State Treasurer who shall draw a voucher in payment ~~thereof of the rates, rents, or charges~~. No charge so established and no tax levied under the provisions of section ~~3613~~ 3615 of this title shall be considered to be a part of any tax authorized to be assessed by the legislative body of any municipality for general purposes; but shall be in addition to any such tax so authorized to be assessed.

(e) ~~Sewage disposal Rates, rents, or charges~~ established in accord with this section may be assessed by the board ~~of sewage disposal commissioners as provided in section 3614 of this title~~ to derive the revenue required to pay pollution charges assessed against a municipal corporation under 10 V.S.A. § ~~1265~~ 1263.

(e)(f) When a ~~sewage disposal rate, rent, or charge~~ established under this section for the management of stormwater is applied to property owned, controlled, or managed by the Agency of Transportation, the charge shall not exceed the highest rate category applicable to other properties in the municipality, and the Agency of Transportation shall receive a 35 percent credit on the charge. The Agency of Transportation shall receive no other credit on the charge from the municipal corporation.

#### § ~~3616~~ 3617. DUTIES; USE OF PROCEEDS

(a) ~~Such sewage disposal commissioners shall have the supervision of such municipal sewage disposal department, and shall make and establish all needful rates for charges, rules, and regulations for its control and operation including the right to require any individual, person, or corporation to connect to such the municipal system for the purposes of abating pollution of the waters of the State. Such commissioners may appoint or remove a superintendent at their pleasure. The charges and receipts of such the department shall only be used and applied to pay the interest and principal of the sewage disposal bonds of such the municipal corporation as well as, the expense of maintenance and operation of the sewage disposal department system, or other expenses of the sewage system.~~

(b) ~~These~~ The charges and receipts also may be used to develop a dedicated

fund that may be created by the ~~commissioners~~ board to finance major rehabilitation, major maintenance, and upgrade costs for the sewer system. This fund may be established by an annual set-aside of up to 15 percent of the normal operations, maintenance, and bond payment costs, except that with respect to subsurface leachfield systems, the annual set-aside may equal up to 100 percent of these costs. The fund shall not exceed the estimated future major rehabilitation, major maintenance, or upgrade costs for the sewer system. Any dedicated fund shall be insured at least to the level provided by FDIC and withdrawals shall be made only for the purposes for which the fund was established. Any ~~such~~ dedicated fund may be established and controlled in accord with section 2804 of this title or may be established by act of the legislative body of the municipality. Funds so established shall meet the requirements of subdivision 4756(a)(4) of this title.

(c) Where the municipal legislative body establishes ~~such~~ a dedicated fund pursuant to this section, it shall first adopt a municipal ordinance authorizing and controlling ~~such~~ the funds. ~~Such~~ The ordinance and any local policies governing the funds must conform to the requirements of this section.

(d) The charges, receipts, and revenue may also be used for stormwater management, control, and treatment; flood resiliency; floodplain restoration; and other similar measures.

#### § ~~3617~~ 3618. ORDINANCES

~~Such~~ The municipal corporation shall have the power to make, establish, alter, amend, or repeal ordinances, regulations, and bylaws relating to the matters contained in this chapter, consistent with law, and to impose penalties for the breach ~~thereof, of an ordinance~~ and enforce ~~the same~~ those penalties.

#### § 3619. SEWERS AND PLUMBING; ORDERS

The board may require the owners of buildings, subdivisions, or developments abutting on a public street or highway to have all sewers from those buildings, subdivisions, or developments connected to the municipal corporation's sewage system.

#### § ~~3618~~ 3620. MEETINGS; VOTE

Any action taken by ~~such~~ a municipal corporation under the provisions of this chapter or relating to the matters ~~therein set forth~~ contained in this chapter, may be taken by vote of the legislative body of ~~such~~ the municipal corporation, excepting the issuance of bonds and, in municipalities wherein ~~such~~ the legislative body is not otherwise given the power to levy taxes, the levying of a tax under section ~~3613~~ 3615 of this title; provided, however, that no action shall be taken hereunder unless the construction of a sewage disposal

plant shall have first been authorized by majority vote of the legal voters of such ~~the~~ municipal corporation attending a meeting ~~duly warned and holden~~ warned for that purpose.

\* \* \*

Sec. 14. 24 V.S.A. § 3679 is amended to read:

§ 3679. FINANCES—SEWER RATES; APPLICATION OF REVENUE

(a) The board of sewer commissioners of a consolidated sewer district shall establish rates for the sewer service and all individuals, firms, and corporations whether private, public, or municipal shall pay to the treasurer of the district the rates established by the board. The manner of establishment of the rates shall be in accord with section ~~3615~~ 3616 of this title. The rates shall be so established as to provide revenue for the following purposes:

\* \* \*

Sec. 15. REPEAL

24 V.S.A. chapter 97 (sewage system) is repealed.

\* \* \* Creation of the Urban Search and Rescue Team \* \* \*

Sec. 16. 20 V.S.A. § 49 is added to read:

§ 49. URBAN SEARCH AND RESCUE TEAM

(a) The Department of Public Safety is authorized to create the Urban Search and Rescue (USAR) Team to provide for the rapid response of trained professionals to emergencies and other hazards occurring in the State. The Commissioner shall appoint a USAR Team program manager to carry out the duties and responsibilities of the USAR Team.

(b) The USAR Team program manager shall perform all the following duties:

(1) organize the State USAR Team to assist local first responders in response to emergencies and other hazards;

(2) hire persons for the USAR Team from fire, police, and emergency medical services and persons with specialty backgrounds in emergency response or search and rescue;

(3) coordinate the acquisition and maintenance of adequate vehicles and equipment for the USAR Team;

(4) ensure that USAR Team personnel are organized, trained, and exercised in accordance with the appropriate search and rescue standards or certifications;

(5) negotiate and enter into agreements with municipalities, municipal agencies that maintain swiftwater rescue teams, State-recognized swiftwater rescue teams, or other technical rescue teams to provide expert assistance and services to the USAR Team when necessary; and

(6) coordinate USAR Team participation in search and rescue operations under chapter 112 of this title.

(c) The Department of Public Safety may employ as many USAR Team responders as the Commissioner deems necessary as temporary State employees, who shall be compensated as such when authorized to respond to an emergency or hazard incident or to attend USAR Team training. State USAR Team responders, whenever acting as State agents in accordance with this section, shall be afforded all of the protections and immunities of State employees.

(d) An amount not less than \$750,000.00 shall be annually allocated to the Department of Public Safety to facilitate the operations of the USAR Team.

\* \* \* Vermont-211 Information Privacy \* \* \*

#### Sec. 17. PUBLIC RECORDS ACT; VERMONT 211; CONFIDENTIALITY

Pursuant to Vermont's Public Records Act, personal information and lists of names within records created or acquired by Vermont 211 shall be exempt from public inspection or copying. Vermont 211 shall keep confidential any personal information acquired from victims of a natural disaster or all-hazard, as defined by 20 V.S.A. § 2. This section shall not be construed to prevent the limited disclosure of personal information for the purposes of coordinating relief work for individuals affected by a natural disaster or all-hazard.

\* \* \* Emergency Communications \* \* \*

#### Sec. 18. PUBLIC NOTIFICATION POLICY DURING EMERGENCY

The Department of Public Safety's Division of Vermont Emergency Management (VEM), in consultation with the Enhanced 911 Board, shall develop a policy for the use of E-911 databases that maintain callback numbers of subscribers to provide VT-Alerts more effectively and expeditiously during emergencies in order to reduce the risk of harm to persons and property. The Division shall issue its policy on or before July 1, 2025.

Sec. 19. 30 V.S.A. § 7055 is amended to read:

#### § 7055. TELECOMMUNICATIONS COMPANY ORIGINATING CARRIER COORDINATION

(a) ~~Every telecommunications company under the jurisdiction of the Public~~

~~Utility Commission~~ originating carrier offering access to the public switched telephone network shall make available, in accordance with rules adopted by the Public Utility Commission requirements established by the Federal Communications Commission, the universal emergency telephone number 911 for use by the public in seeking assistance from fire, police, medical, and other emergency service providers through a public safety answering point and shall deliver their customers' 911 calls to the point of interconnection defined by the Board.

(b) Every ~~local exchange telecommunications provider~~ originating carrier shall provide the ANI and any other information required by rules adopted under section 7053 of this title to the Board, or to any administrator of the ~~Enhanced 911 database~~ databases, for purposes of maintaining the ~~Enhanced 911 database~~ databases and for all purposes outlined in section 7059 of this title. Each such provider shall be responsible for updating the information at a frequency specified by such rules. All persons receiving confidential information under this section, as defined by the ~~Public Utility Commission~~ section 7059 of this title, shall use it solely for the purposes of ~~providing emergency 911 services~~ specified in section 7059 of this title and shall not disclose such confidential information for any other purpose.

(c) Each ~~local exchange telecommunications company, cellular company, and mobile or personal communications service company~~ originating carrier providing services within the State shall designate a person to coordinate with and provide all relevant information to the Enhanced 911 Board ~~and Public Utility Commission~~ in carrying out the purposes of the chapter.

(d) ~~Wire line and nonwire cellular~~ Originating carriers certificated to provide service in the State shall provide ~~ANI signaling which identifies geographical location as well as cell site address for cellular 911 calls. Personal communications networks and any future mobile or personal communications systems shall also be required to identify the location of the caller. The telephone company shall provide ANI signaling which identifies the name of the carrier and identify the type of service as cellular, mobile, or personal communications as part of the ALI along with a screen message that advises the call answerer to verify the location of the reported emergency. Telecommunication providers of mobile wireless, IP-enabled, and other communication services which have systems with the capability to send data related to the location of the caller with the call or transmission instead of relying on location data otherwise contained in the ALI database shall provide this data with calls or transmissions for the sole purpose of enabling the emergency 911 system to locate an individual seeking emergency services. Location data shall be provided in accordance with relevant national standards~~

for next generation 9-1-1 technology available Automatic Number Identification (ANI) that can be used to query the Enhanced 911 Automatic Location Identification or third-party databases to provide the Automatic Location Identification that will include callback number, customer name, location, company or carrier identification, and class of service of the 911 caller. Originating carriers with the capability to provide location and caller data with the call shall do so in accordance with the approved i3 Standards for Next Generation 9-1-1.

(e) Each local exchange telecommunications provider in the State shall file with the Public Utility Commission tariffs for each service element necessary for the provision of Enhanced 911 services. The Public Utility Commission shall review each company's proposed tariff, and shall ensure that tariffs for each necessary basic service element are effective within six months ~~of~~ after filing. The Department of Public Service, by rule or emergency rule, may establish the basic service elements that each company must provide for in tariffs. Such tariffs must be filed with the Public Utility Commission within 60 days after the basic service elements are established by the Department of Public Service.

(f)(1) Every originating carrier shall, in accordance with rules adopted by the Enhanced 911 Board, notify its customers, the 911 system provider, and the Board, of planned or unplanned outages that impact customers' ability to complete a call to, or communicate with, 911 or that prevent subscribers from receiving emergency notifications.

(2) Notification of outages described in this subsection shall include, at a minimum, a posting of basic details regarding the outage on the originating carrier's website.

(g) As used in this section:

(1) "Originating carrier" or "originating service provider" means an entity that provides voice services to a subscriber and includes incumbent local exchange carriers operating in Vermont.

(2) "Incumbent local exchange carrier" has the same meaning as in 47 U.S.C. § 251(h) and includes rural local exchange carriers.

#### Sec. 20. ENHANCED 911 BOARD TARIFFS; REPORT; APPROPRIATION

(a) On or before January 15, 2025, the Enhanced 911 Board shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on current local exchange telecommunications tariffs, and, in particular, evaluating existing tariffs permitted pursuant to 30 V.S.A. § 7055, determining actual costs for the



provision of the service elements, and comparing those tariffs to similar cost recovery mechanisms in other States.

(b) The sum of \$25,000.00 is appropriated from the General Fund to the Enhanced 911 Board in fiscal year 2025 for the purpose of conducting the evaluation and producing the report.

\* \* \* Language Assistance Services for State Emergency  
Communications \* \* \*

Sec. 21. 20 V.S.A. § 4 is added to read:

§ 4. LANGUAGE ASSISTANCE SERVICES FOR STATE EMERGENCY  
COMMUNICATIONS

(a) If an all-hazards event occurs, the Vermont Emergency Management Division shall ensure that language assistance services are available for all State communications regarding the all-hazards event, including relevant press conferences and emergency alerts, in a timely manner. Language assistance services shall be provided for:

- (1) individuals who are Deaf, Hard of Hearing, and DeafBlind; and
- (2) individuals with limited English proficiency.

(b) As used in this section, an “individual with limited English proficiency” means a person who does not speak English as the person’s primary language and who has a limited ability to read, write, speak, or understand English.

(c) Annually, the Vermont Emergency Management Division shall hold a public meeting with members of the Vermont Deaf, Hard of Hearing, and DeafBlind Advisory Council; the Office of Racial Equity; the Vermont Association of Broadcasters; and other relevant stakeholders to review the adequacy and efficacy of the provision and distribution of language assistance services of emergency communications over mass communication platforms to individuals who are Deaf, Hard of Hearing, and DeafBlind as well as individuals with limited English language proficiency.

Sec. 22. EMERGENCY COMMUNICATIONS; APPROPRIATIONS

(a) The sum of \$15,000.00 is appropriated from the General Fund to the Department of Public Safety’s Division of Radio Technology Services in fiscal year 2025 for the purpose of creating new connections from select Vermont State Police Radio Transmission towers directly to the Primary and Secondary State Relay radio stations listed in Vermont’s Emergency Alert System Plan.

(b) The sum of \$25,000.00 is appropriated from the General Fund to the Department of Public Safety's Division of Emergency Management in fiscal year 2025 for the purpose of conducting a multi-media outreach campaign to increase the number of Vermonters registered with VT Alert and educate Vermonters on how to prepare for an emergency.

Sec. 23. LANGUAGE ASSISTANCE SERVICES FOR EMERGENCY COMMUNICATIONS WORKING GROUP; REPORT

(a) Creation. There is created the Language Assistance Services for Emergency Communications Working Group, consisting of staff at the Vermont Emergency Management (VEM) Division and the Office of Racial Equity, who will collaborate with the Vermont Association of Broadcasters; the Vermont Deaf, Hard of Hearing, and DeafBlind Advisory Council; and other relevant stakeholders.

(b) Duties. The Working Group shall develop best practices for the provision of language assistance services in emergency communications during and after all-hazard events, as defined in 2 V.S.A. § 2. The Working Group shall analyze and make recommendations on technologies for providing these services, including tools such as Communication Access Realtime Translation (CART) and Picture in Picture (PIP) techniques and automated language translation services or machine translation.

(c) Report. On or before December 15, 2024, the Working Group shall submit a written report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with its findings and any recommendations for legislative action.

(d) Prospective repeal. The Working Group shall cease to exist on June 30, 2025.

\* \* \* Post-Secondary Disaster Management Programs \* \* \*

Sec. 24. POST-SECONDARY DISASTER MANAGEMENT PROGRAM REPORT

On or before February 15, 2025, the President or designee for the Vermont State University and the President or designee for the University of Vermont shall each submit a written report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations examining the creation of post-secondary disaster management programs, including the associated costs, projected enrollments, and aspects of curricula.

\* \* \* Emergency Powers of the Governor and Emergency Management \* \* \*

Sec. 25. 20 V.S.A. § 1 is amended to read:

§ 1. PURPOSE AND POLICY

(a) Because of the increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from all-hazards and in order to ensure that preparation of this State will be adequate to deal with such disasters or emergencies; to provide for the common defense; to protect the public peace, health, and safety; and to preserve the lives and property of the people of the State, it is found and declared to be necessary:

(1) to create a State emergency management agency, and to authorize the creation of local and regional organizations for emergency management;

(2) to confer upon the Governor and upon the executive heads or legislative branches of the towns and cities of the State the emergency powers provided pursuant to this chapter;

(3) to provide for the rendering of mutual aid among the towns and cities of the State; with other states and Canada; and with the federal government with respect to the carrying out of emergency management functions; and

(4) to authorize the establishment of organizations and ~~the taking of steps as necessary and appropriate~~ to carry out the provisions of this chapter as necessary and appropriate.

\* \* \*

Sec. 26. 20 V.S.A. § 8 is amended to read:

§ 8. GENERAL POWERS OF GOVERNOR

\* \* \*

(b) In performing the duties under this chapter, the Governor is further authorized and empowered:

\* \* \*

(3) Inventories, training, mobilization. In accordance with the plan and program for the emergency management of the State:

(A) to ascertain the requirements of the State or the municipalities for food ~~or~~, water, fuel, clothing, or other necessities of life in any all-hazards event and to plan for and procure supplies, medicines, materials, and equipment for the purposes set forth in this chapter;

\* \* \*

(C) to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to ensure the furnishing of adequately trained and equipped forces of first responders and other emergency management personnel in time of need.

\* \* \*

(8) Mutual aid agreements with other states. On behalf of this State, to enter into reciprocal aid agreements under this chapter and pursuant to compacts with other states and the federal government or a province of a foreign country under such terms as the Congress of the United States may prescribe. These mutual aid arrangements shall be limited to the furnishing or exchange of food, water, fuel, clothing, medicine, and other supplies; engineering services; emergency housing; police services; National Guard ~~or State Guard~~ units while under the control of the State; health; medical and related services; fire fighting, rescue, transportation, and construction services and equipment; personnel necessary to provide or conduct these services; and other supplies, equipment, facilities, personnel, and services as needed; and the reimbursement of costs and expenses for equipment, supplies, personnel, and similar items for mobile support units, ~~fire fighting~~ firefighting, and police units and health units. The mutual aid agreements shall be made on such terms and conditions as the Governor deems necessary.

\* \* \*

Sec. 27. 20 V.S.A. § 9 is amended to read:

#### § 9. EMERGENCY POWERS OF GOVERNOR

Subject to the provisions of this chapter, in the event of an all-hazards event in or directed upon the United States or Canada that causes or may cause substantial damage or injury to persons or property within the State in any manner, the Governor may ~~proclaim~~ declare a state of emergency within the entire State or any portion or portions of the State. Thereafter, the Governor shall have and may exercise for as long as the Governor determines the emergency to exist the following additional powers within such area or areas:

(1) To enforce all laws and rules relating to emergency management and to assume direct operational control of all first responders, other emergency management personnel, and ~~helpers~~ volunteers in the affected area or areas.

\* \* \*

Sec. 28. 20 V.S.A. § 11 is amended to read:

§ 11. ADDITIONAL EMERGENCY POWERS

In the event of an all-hazards event, the Governor may exercise any or all of the following additional powers:

(1) To authorize any department or agency of the State to lease or lend, on such terms and conditions and for ~~such a period as he or she deems necessary~~ related to the declaration of emergency to promote the public welfare and protect the interests of the State, any real or personal property of the State government, ~~or authorize the temporary transfer or employment of personnel of the State government to or by the U.S. Armed Forces.~~

(2) To enter into a contract on behalf of the State for the lease or loan, on such terms and conditions and for such period as ~~he or she~~ the Governor deems necessary to promote the public welfare and protect the interests of the State, of any real or personal property of the State government, or the temporary transfer or employment of personnel thereof to any town or city of the State. ~~The chief executive or, the chair or president of the legislative branch, or the emergency management director~~ of the town or city is authorized for and in the name of the town or city to enter into the contract with the Governor for the leasing or lending of the property and personnel, and ~~the chief executive or, the chair or president of the legislative branch, or the emergency management director~~ of the town or city may equip, maintain, utilize, and operate such property except ~~newspapers and other publications~~ news outlets, radio stations, places of worship and assembly, and other facilities for the exercise of constitutional freedom, and employ necessary personnel in accordance with the purposes for which such contract is executed; ~~and may do all things and perform all acts necessary to effectuate the purpose for which the contract was entered into.~~

\* \* \*

(5) To make compensation for the property seized, taken, or condemned on the following basis:

(A) ~~In case~~ Whenever the Governor deems it advisable for the State to take property is taken for temporary use or to take property permanently, the Governor, at the time of the taking, shall fix the amount of compensation to be paid for the property; ~~and in.~~ In case the property is taken for temporary use and returned to the owner in a damaged condition or shall not be returned to the owner, the Governor shall fix the amount of compensation to be paid for the damage ~~or failure to return.~~

(B) Whenever the Governor deems it advisable for the State to temporarily or permanently take title to property taken under this section, the Governor shall ~~forthwith cause~~ notify the owner of the property ~~to be notified~~ of the taking in writing by registered mail or in person, ~~postage prepaid~~, and ~~forthwith cause to be filed~~ shall file a copy of the notice with the Secretary of State.

(B)(C) Any owner of property of which possession has been either temporarily or permanently taken under the provisions of this chapter to whom no award has been made or who is dissatisfied with the amount awarded ~~him~~ ~~or her~~ by the Governor may file a petition in the Superior Court within the county wherein the property was situated at the time of taking to have the amount to which ~~he or she~~ the owner is entitled by way of damages or compensation determined, and either the petitioner or the State shall have the right to have the amount of such damages or compensation fixed after hearing by three disinterested appraisers appointed by the court, and who shall operate under substantive and administrative procedure to be established by the Superior judges. If the ~~petitioner~~ owner of the property is dissatisfied with the award of the appraisers, ~~he or she~~ the owner may appeal the award to the Superior Court and thereafter have a trial by jury to determine the amount of the damages or compensation. The court costs of a proceeding brought under this section by the owner of the property shall be paid by the State, and the fees and expenses of any attorney for the owner shall also be paid by the State after allowances by the court in which the petition is brought in an amount determined by the court. The statute of limitations shall not apply to proceedings brought by owners of property under this section for and during the time that any court having jurisdiction over the proceedings is prevented from holding its usual and stated sessions due to conditions resulting from emergencies described in this chapter.

(6) ~~To perform and exercise other functions, powers, and duties as necessary to promote and secure the safety and protection of the civilian population. [Repealed.]~~

Sec. 29. 20 V.S.A. § 13 is amended to read:

### § 13. TERMINATION OF EMERGENCIES

The Governor:

(1) May terminate by ~~proclamation~~ declaration the emergencies provided for in sections 9 and 11 of this title; provided, however, that no emergencies shall be terminated prior to the termination of such emergency as provided in federal law.

(2) May declare the state of emergency terminated in any area affected by an all-hazards event.

(3) Upon receiving notice that a majority of the legislative body of a municipality affected by a natural disaster no longer desires that the state of emergency continue within its municipality, shall may declare the state of emergency terminated within that particular municipality. Upon the termination of the state of emergency, the functions as set forth in section 9 of this title shall cease, and the local authorities shall resume control.

Sec. 30. 20 V.S.A. § 17 is amended to read:

§ 17. GIFT, GRANT, OR LOAN

(a) Federal. Whenever the federal government or any agency or officer of the federal government offers to the State, or through the State to any town or city within Vermont, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of emergency management, the State, acting through the Governor in coordination with the Department of Public Safety, or such town or city acting with the consent of the Governor and through its executive officer or legislative branch, may accept the offer, ~~and upon~~ in accordance with the provisions of 32 V.S.A. § 5. Upon such acceptance, the Governor or the executive officer or legislative branch of the political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive the services, equipment, supplies, materials, or funds on behalf of the State or the political subdivisions, and subject to the terms of the offer and rules, if any, of the agency making the offer. Whenever a federal grant is contingent upon a State or local contribution, or both, the Department of Public Safety and the political subdivision shall determine whether the grant shall be accepted and, if accepted, the respective shares to be contributed by the State and town or city concerned.

(b) Private. Whenever any person, firm, or corporation offers to the State or to any town or city in Vermont services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of emergency management, the State, acting through the Governor, or the political subdivision, acting through its executive officer or legislative branch, may accept the offer, ~~and upon~~ in accordance with the provisions of 32 V.S.A. § 5. Upon such acceptance, the Governor or executive officer or legislative branch of the political subdivision may authorize any officer of the State or the political subdivision, as the case may be, to receive the services, equipment, supplies, materials, or funds on behalf of the State or the political subdivision, and subject to the terms of the offer.

Sec. 31. 20 V.S.A. § 26 is amended to read:

§ 26. CHANGE OF VENUE BECAUSE OF ~~ENEMY ATTACK~~ AN ALL-HAZARDS EVENT

In the event that the place where a civil action or a criminal prosecution is required by law to be brought has become and remains unsafe because of an attack upon the United States or Canada or an all-hazards event, such action or prosecution may be brought in or, if already pending, may be transferred to the Superior Court in an unaffected unit and there tried in the place provided by law for such court.

Sec. 32. 20 V.S.A. § 30 is amended to read:

§ 30. STATE EMERGENCY RESPONSE COMMISSION; CREATION

(a) The State Emergency Response Commission is created within the Department of Public Safety. The Commission shall consist of ~~17~~18 members: eight ex officio members, including the Commissioner of Public Safety, the Secretary of Natural Resources, the Secretary of Transportation, the Commissioner of Health, the Secretary of Agriculture, Food and Markets, the Commissioner of Labor, the Director of Fire Safety, and the Director of Emergency Management, or designees; and ~~nine~~ ten public members, including a representative from each of the following: local government, the local emergency planning committee, a regional planning commission, the fire service, law enforcement, public works, emergency medical service, a hospital, a transportation entity required under EPCRA to report chemicals to the State Emergency Response Commission, and another entity required to report extremely hazardous substances under EPCRA.

(b) The ~~nine~~ ten public members shall be appointed ~~by the Governor~~ for staggered three-year terms as described in this subsection.

(1) Three public members, appointed by the Speaker of the House.

(2) Three public members, appointed by the President Pro Tempore of the Senate.

(3) Four public members, appointed by the Governor.

(4) When the seat of a public member is vacated, the replacement member shall be appointed on a rotating basis starting with the Speaker of the House, with the next appointment to be made by the President Pro Tempore of the Senate, and then the next appointment to be made by the Governor, and then beginning again.

(c) The Governor shall appoint the Chair of the Commission.



~~(e)~~(d) Members of the Commission, except State employees who are not otherwise compensated as part of their employment and who attend meetings, shall be entitled to a per diem and expenses as provided in 32 V.S.A. § 1010.

Sec. 33. 20 V.S.A. § 34 is amended to read:

§ 34. TEMPORARY HOUSING FOR DISASTER VICTIMS

(a) Whenever the Governor ~~has proclaimed a disaster~~ declares an emergency under the laws of this State, or the President has declared an emergency or ~~a major disaster~~ an all-hazards event to exist in this State, the Governor is authorized:

(1) To enter into purchase, lease, or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster victims and to make such units available to any political subdivision of the State.

(2) To assist any political subdivision of this State that is the locus of temporary housing for disaster victims to acquire sites necessary for the temporary housing and ~~to do all things required~~ to prepare the site to receive and utilize temporary housing units by:

(A) advancing or lending funds available to the Governor from any appropriation made by the General Assembly or from any other source;

(B) “passing through” funds made available by any agency, public or private; or

(C) becoming a co-partner with the political subdivision for the execution and performance of any temporary housing for disaster victims project and for such purposes to pledge the credit of the State on such terms as the Governor deems appropriate having due regard for current debt transactions of the State.

~~(b) Under rules adopted by the Governor, to~~ During a declared state of emergency, the Governor may, by order or rule, temporarily suspend or modify for not more than 60 days any law or rule pertaining to public health, safety, zoning, or transportation ~~(within or across the State), or other requirement of law or rules within Vermont when by proclamation if,~~ the Governor deems the suspension or modification essential to provide temporary housing for disaster victims.

(c) Any political subdivision of this State is expressly authorized to acquire, temporarily or permanently, by purchase, lease, or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into whatever arrangements are necessary to prepare or equip such sites

to utilize the housing units, including the purchase of temporary housing units and payment of transportation charges.

~~(d) The Governor is authorized to adopt rules as necessary to carry out the purposes of this chapter. [Repealed.]~~

(e) Nothing in this chapter shall be construed to limit the Governor's authority to apply for, administer, and expend any grants, gifts, or payments in aid of disaster prevention, preparedness, response, or recovery.

~~(f) As used in this chapter, "major disaster," "emergency," and "temporary housing" have the same meaning as in the Disaster Relief Act of 1974, P.L. 93-288. [Repealed.]~~

Sec. 34. 20 V.S.A. § 39 is amended to read:

#### § 39. FEES TO THE HAZARDOUS SUBSTANCES FUND

(a) Every person required to report the use or storage of hazardous chemicals or substances pursuant to EPCRA shall pay the following annual fees for each hazardous chemical or substance, as defined by the State Emergency Response Commission, that is present at the facility:

- (1) \$40.00 for quantities between 100 and 999 pounds.
- (2) \$60.00 for quantities between 1,000 and 9,999 pounds.
- (3) \$100.00 for quantities between 10,000 and 99,999 pounds.
- (4) \$290.00 for quantities between 100,000 and 999,999 pounds.
- (5) \$880.00 for quantities exceeding 999,999 pounds.

(6) An additional fee of \$250.00 will be assessed for each extremely hazardous chemical or substance as defined in 42 U.S.C. § 11002.

(b) The fee shall be paid to the Commissioner of Public Safety and shall be deposited into the Hazardous Chemical and Substance Emergency Response Fund.

(c) The following are exempted from paying the fees required by this section but shall comply with the reporting requirements of this chapter:

- (1) municipalities and other political subdivisions;
- (2) State agencies;
- (3) persons engaged in farming as defined in 10 V.S.A. § 6001; and
- (4) nonprofit corporations.

(d) No person shall be required to pay a fee for a chemical or substance

that has been determined to be an economic poison as defined in 6 V.S.A. § 911 or for a fertilizer or agricultural lime as defined in 6 V.S.A. § 363 and for which a registration or tonnage fee has been paid to the Agency of Agriculture, Food and Markets pursuant to 6 V.S.A. chapter 28 or 81.

(e) The State or any political subdivision, including any municipality, fire district, emergency medical service, or incorporated village, is authorized to recover any and all reasonable direct expenses incurred as a result of the response to and recovery of a hazardous chemical or substance incident from the person or persons responsible for the incident. All funds collected by the State under this subsection shall be deposited into the Hazardous Chemical and Substance Emergency Response Fund created pursuant to subsection 38(b) of this chapter. The Attorney General shall act on behalf of the State to recover these expenses. The State or political subdivision shall be awarded costs and reasonable attorney's fees that are incurred as a result of exercising the provisions of this subsection.

(f)(1) The Department of Public Safety shall have authority to inspect the premises and records of any employer to ensure compliance with the provisions of this chapter and the rules adopted under this chapter.

(2) A person who violates any provision of this chapter or any rule adopted under this chapter shall be fined not more than \$1,000.00 for each violation. Each day a violation continues shall be deemed to be a separate violation.

(3) The Attorney General may bring an action for injunctive relief in the Superior Court of the county in which a violation occurs to compel compliance with the provisions of this chapter.

#### Sec. 35. REPEAL

20 V.S.A. § 40 (enforcement) is repealed.

\* \* \* Continuing Local Economic Damage Grant Program and Emergency Relief and Assistance Fund \* \* \*

#### Sec. 36. CONTINUING LOCAL ECONOMIC DAMAGE GRANT PROGRAM FOR RECOVERY FROM THE AUGUST AND DECEMBER 2023 FLOODS; APPROPRIATION

(a) Program established. There is established the Continuing Local Economic Damage Grant Program to provide support to municipalities that were impacted by the August 2023 or December 2023 flooding events, or both, and are located in counties that are eligible for Federal Emergency Management Agency (FEMA) Public Assistance funds under federal disaster declarations. It is the intent of the General Assembly that the Continuing

Local Economic Damage Grants be distributed to municipalities throughout the State to address the secondary economic impacts of the August and December 2023 flooding events.

(b) Appropriation. In fiscal year 2025, the amount of \$200,000.00 is appropriated from the General Fund to the Agency of Administration for the Continuing Local Economic Damage Grant Program.

(c) Administration; grant awards. The Agency of Administration shall administer the Program, which shall award grants in the following manner:

(1) \$75,000.00 to each municipality that as of March 1, 2024 had \$5,000,000.00 or more in estimated reported damages to public infrastructure relating to the August 2023 or December 2023 flooding events, or both;

(2) \$50,000.00 to each municipality that as of March 1, 2024 had \$2,000,000.00 or more but less than \$5,000,000.00 in estimated reported damages to public infrastructure relating to the August 2023 or December 2023 flooding events, or both;

(3) \$30,000.00 to each municipality that as of March 1, 2024 had \$1,000,000.00 or more but less than \$2,000,000.00 in estimated reported damages to public infrastructure relating to the August 2023 or December 2023 flooding events, or both;

(4) \$20,000.00 to each municipality that as of March 1, 2024 had \$250,000.00 or more but less than \$1,000,000.00 in estimated reported damages to public infrastructure relating to the August 2023 or December 2023 flooding events, or both; and

(5) \$10,000.00 to each municipality that as of March 1, 2024 had \$100,000.00 or more but less than \$250,000.00 in estimated reported damages to public infrastructure relating to the August 2023 or December 2023 flooding events, or both

(d) Restrictions on recipients' use of grant funds. Monies from grants awarded through the Program shall not be expended by the recipient on FEMA-related projects.

(e) To the extent that the funds appropriated in subsection (b) of this section have not been granted by June 30, 2025, the funds shall revert to the General Fund and be transferred to the Emergency Relief and Assistance Fund (21555).

Sec. 37. EMERGENCY RELIEF AND ASSISTANCE FUND  
FOR RECOVERY FROM THE AUGUST AND DECEMBER 2023  
FLOODS; TRANSFER

(a) Notwithstanding any other provisions of law to the contrary, \$830,000.00 shall be transferred from the General Fund to the Emergency Relief and Assistance Fund (21555).

(b) Notwithstanding Sec. 1.4.3 of the Rules for State Matching Funds Under the Federal Public Assistance Program, in fiscal year 2025, the Secretary of Administration may provide funding from the Emergency Relief and Assistance Fund that was transferred pursuant to subsection (a) of this section to subgrantees prior to the completion of a project. In fiscal year 2025, up to 70 percent of the State funding match on the nonfederal share of an approved project for municipalities that were impacted by the August and December 2023 flooding events in counties that are eligible for Federal Emergency Management Agency Public Assistance funds under federal disaster declarations may be advanced at the request of a municipality.

(c) Notwithstanding Sec. 1.4.1 of the Rules for State Matching Funds Under the Federal Public Assistance Program, the Secretary of Administration shall increase the standard State funding match on the nonfederal share of an approved project to the highest percentage possible given available funding for municipalities in counties that were impacted by the August and December 2023 flooding events and are eligible for Federal Emergency Management Agency Public Assistance funds under federal disaster declarations.

\* \* \* Effective Dates \* \* \*

Sec. 38. EFFECTIVE DATES

This act shall take effect on July 1, 2024, except that Sec. 21 (20 V.S.A. § 4) shall take effect on July 1, 2025.

(Committee vote: 5-1-0)

**Reported favorably with recommendation of amendment by Sen.  
Cummings for the Committee on Finance**

The Committee recommends that the bill be amended as recommended by the Committee on Government Operations, with the following amendment

By striking out Sec. 19, 30 V.S.A. § 7055, in its entirety and inserting in lieu thereof a new Sec. 19 to read as follows:

Sec. 19. [Deleted.]

**Reported favorably with recommendation of amendment by Senator Perchlik for the Committee on Appropriations.**

The Committee recommends that the bill be amended as recommended by the Committee on Government Operations, with the following amendments:

First: In Sec. 2, 20 V.S.A. § 49, in subsection (b), after “The Fund shall consist of monies appropriated”, by adding or transferred

Second: By striking out Sec. 3, Community Resilience and Disaster Mitigation Grant Program; appropriation, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. [Deleted.]

Third: By striking out Sec. 12, establishment of five and a half new regional emergency management program coordinators; appropriation, in its entirety and inserting in lieu thereof a new Sec. 12 to read as follows:

Sec. 12. [Deleted.]

Fourth: By striking out Sec. 16, 20 V.S.A. § 49, in its entirety and inserting in lieu thereof a new Sec. 16 to read as follows:

Sec. 16. 20 V.S.A. § 50 is added to read:

§ 50. URBAN SEARCH AND RESCUE TEAM

(a) The Department of Public Safety is authorized to create the Urban Search and Rescue (USAR) Team to provide for the rapid response of trained professionals to emergencies and other hazards occurring in the State. The Commissioner shall appoint a USAR Team program manager to carry out the duties and responsibilities of the USAR Team.

(b) The USAR Team program manager shall perform all the following duties:

(1) organize the State USAR Team to assist local first responders in response to emergencies and other hazards;

(2) hire persons for the USAR Team from fire, police, and emergency medical services and persons with specialty backgrounds in emergency response or search and rescue;

(3) coordinate the acquisition and maintenance of adequate vehicles and equipment for the USAR Team;

(4) ensure that USAR Team personnel are organized, trained, and exercised in accordance with the appropriate search and rescue standards or certifications;

(5) negotiate and enter into agreements with municipalities, municipal agencies that maintain swiftwater rescue teams, State-recognized swiftwater rescue teams, or other technical rescue teams to provide expert assistance and services to the USAR Team when necessary; and

(6) coordinate USAR Team participation in search and rescue operations under chapter 112 of this title.

(c) The Department of Public Safety may employ as many USAR Team responders as the Commissioner deems necessary as temporary State employees, who shall be compensated as such when authorized to respond to an emergency or hazard incident or to attend USAR Team training. State USAR Team responders, whenever acting as State agents in accordance with this section, shall be afforded all of the protections and immunities of State employees.

Fifth: By striking out Sec. 20, Enhanced 911 Board tariffs; report; appropriation, in its entirety and inserting in lieu thereof a new Sec. 20 to read as follows:

**Sec. 20. ENHANCED 911 BOARD TARIFFS; REPORT**

On or before January 15, 2025, the Enhanced 911 Board shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on current local exchange telecommunications tariffs, and, in particular, evaluating existing tariffs permitted pursuant to 30 V.S.A. § 7055, determining actual costs for the provision of the service elements, and comparing those tariffs to similar cost recovery mechanisms in other states.

Sixth: By striking out Sec. 22, emergency communications; appropriations, in its entirety and inserting in lieu thereof a new Sec. 22 to read as follows:

Sec. 22. [Deleted.]

Seventh: By striking out Sec. 36, Continuing Local Economic Damage Grant Program for recovery from the August and December 2023 floods; appropriation, in its entirety and inserting in lieu thereof a new Sec. 36 to read as follows:

Sec. 36. [Deleted.]

Eighth: By striking out Sec. 37, Emergency Relief and Assistance Fund for recovery from the August and December 2023 floods; transfer, in its entirety and inserting in lieu thereof a new Sec. 37 to read as follows:

Sec. 37. [Deleted.]

(Committee vote: 7-0-0)

## **Second Reading**

### **Favorable with Recommendation of Amendment**

#### **S. 96.**

An act relating to privatization contracts.

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

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. 3 V.S.A. § 341 is amended to read:

§ 341. DEFINITIONS

\* \* \*

(3) "Privatization contract" means a contract or grant for services valued at \$25,000.00 or more per year, which is the same or substantially similar to and in lieu of services previously provided, in whole or in part, by permanent, classified State employees, ~~and which results in a reduction in force of at least one permanent, classified employee, or the elimination of a vacant position of an employee covered by a collective bargaining agreement.~~

\* \* \*

Sec. 2. 3 V.S.A. §§ 342 and 343 are amended to read:

§ 342. CONTRACTING STANDARDS; CONTRACTS FOR SERVICES

Each contract for services valued at \$25,000.00 or more per year shall require certification by the Office of the Attorney General to the Secretary of Administration that such contract for services is not contrary to the ~~spirit and~~ intent of the classification plan and merit system and standards of this title. A



contract for services is contrary to the ~~spirit and~~ intent of the classification plan and merit system and standards of this title, and shall not be certified by the Office of the Attorney General as provided in this section, unless the provisions of subdivisions (1), (2), and (3) of this section are met, or one or more of the exceptions described in subdivision (4) of this section apply.

(1) The agency will not exercise supervision over the daily activities or methods and means by which the contractor provides services other than supervision necessary to ensure that the contractor meets performance expectations and standards; and

(2) The services provided are not the same as those provided by classified State employees within the agency; and

(3) The contractor customarily engages in an independently established trade, occupation, profession, or business; or

(4) Any of the following apply:

(A) The services are not available within the agency or are of such a highly specialized or technical nature that the necessary knowledge, skills, or expertise is not available within the agency.

(B) The services are incidental to a contract for purchase or lease of real or personal property.

(C) There is a demonstrated need for an independent audit, review, or investigation; or independent management of a facility is needed as a result of, or in response to, an emergency such as licensure loss or criminal activity.

(D) The State is not able to provide equipment, materials, facilities, or support services in the location where the services are to be performed in a cost-effective manner.

(E) The contract is for professional services, such as legal, engineering, or architectural services, that are typically rendered on a case-by-case or project-by-project basis, and the services are for a period limited to the duration of the project, normally not to exceed two years or provided on an intermittent basis for the duration of the contract.

(F) The need for services is urgent, temporary, or occasional, such that the time necessary to hire and train employees would render obtaining the services from State employees imprudent. Such contract shall be limited to 90 days' duration, with any extension subject to review and approval by the Secretary of Administration.

(G) Contracts for the type of services covered by the contract are specifically authorized by law.

(H) Efforts to recruit State employees to perform work, authorized by law, have failed in that no applicant meeting the minimum qualifications has applied for the job.

(I) The cost of obtaining the services by contract is lower than the cost of obtaining the same services by utilizing State employees. When comparing costs, the provisions of section 343 of this title shall apply.

§ 343. PRIVATIZATION CONTRACTS; PROCEDURE

(a) An agency shall not enter into a privatization contract unless all of the following are satisfied:

(1)(A) Thirty-five days prior to the beginning of any open bidding process, the agency provides written notice to the collective bargaining representative of the intent to seek to enter a privatization contract. During those 35 days, the collective bargaining representative shall have the opportunity to discuss alternatives to contracting. Such alternatives may include amendments to the contract if mutually agreed upon by the parties. Notices regarding the bid opportunity may not be issued during the 35-day discussion period. The continuation of discussions beyond the end of the 35-day period shall not delay the issuance of notices.

(B) During this 35-day period, the agency shall prepare a specific written statement of the services proposed to be the subject of the privatization contract, including the specific quantity and standard or quality of the subject services. For each position in which a bidder will employ any person pursuant to a privatization contract and for which the duties are substantially similar to the duties performed by a permanent, classified State employee, the statement shall also include the prevailing wage rate to be paid for each position, which shall not be less than the average step of the grade under which the comparable State employee position is paid. This statement shall be provided to the collective bargaining representative, the Agency of Administration, and be posted where it is viewable to the public. This statement shall be subject to 1 V.S.A. chapter 5, subchapter 3 (Public Records Act).

\* \* \*

(4) Every bid for a privatization contract shall include:

(A) the wage rate for each position, which shall not be less than the prevailing wage rate contained in the statement described in subdivision (1)(B) of this subsection (a); and

(B) whether health, dental, and vision insurance coverage is provided to employees and, if applicable, the cost to employees for such coverage;

(5) The Agency and the Secretary of Administration shall each certify in writing that:

(A) they have complied with all provisions of this section and with all other applicable laws;

(B) the quality of the services to be provided by the designated bidder is likely to satisfy the quality requirements of the statement prepared pursuant to subdivision (1) of this subsection (a);

(C) the designated bidder and its supervisory employees, while in the employ of the designated bidder, have no record of substantial or repeated willful noncompliance with any relevant federal or State regulatory statute, including statutes concerning labor relations, occupational safety and health, nondiscrimination and affirmative action, environmental protection, and conflicts of interest; and

(D) the proposed privatization contract is in the public interest in that it meets the applicable quality and fiscal standards set forth in this section.

(b) Each privatization contract shall include:

(1) the wage rate for each position, which shall not be less than the prevailing wage rate contained in the statement described in subdivision (a)(1) of this section;

(2) a provision that the cost and coverage of the health, dental, and vision insurance provided to employees is substantially similar to the cost and coverage of the health, dental, and vision insurance provided to State employees;

(3) a provision that the contractor shall submit quarterly payroll records to the agency, which lists the hours worked and the hourly wage paid for each employee in the previous quarter;

(4) a provision that the agency shall not amend any privatization contract if the amendment has the purpose or effect of voiding any requirement of this section;

(5) a provision requiring the contractor to comply with a policy of nondiscrimination and equal opportunity for all persons and to take affirmative steps to provide such equal opportunity for all persons;

(6) a provision granting all employees employed under the contract just cause employment protection; and

(7) a provision requiring the contractor to comply with a policy of whistleblower protection equal to those defined in sections 971–978 of this title.

~~(b)(c)~~(1) A privatization contract shall contain specific performance measures regarding quantity, quality, and results and guarantees regarding the services performed.

(2) The agency shall provide information in the State’s Workforce Report on the contractor’s compliance with the specific performance measures set out in the contract.

(3) The agency may not renew the contract if the contractor fails to comply with the specific performance measures set out in the contract as required by subdivision (1) of this subsection.

~~(e)(d)~~(1) Before an agency may renew a privatization contract for the first time, the Auditor of Accounts shall review the privatization contract, along with employer payroll and benefits records, analyzing whether it is achieving:

(A) the ~~10 percent~~ cost-savings requirement set forth in subdivision (a)(2) of this section; and

(B) the performance measures incorporated into the contract as required under subdivision ~~(b)(c)~~(1) of this section.

(2) If the Auditor of Accounts finds that a privatization contract has not achieved the cost savings required under subdivision (a)(2) of this section or complied with performance measures required under subdivision ~~(b)(c)~~(1) and subdivision (d)(1) of this section, the Auditor of Accounts shall file a report with the agency and the House Committee on Government Operations and Military Affairs and Senate ~~Committees~~ Committee on Government Operations, and the agency shall not renew the privatization contract ~~review whether to renew the privatization contract or perform the work with State employees.~~

Sec. 3. 3 V.S.A. § 343(a)(2) is amended to read:

(2) The proposed contract is projected to result in overall cost savings to the State of at least ~~10~~ 20 percent above the projected cost of having the services provided by classified State employees.

#### Sec. 4. FISCAL AND OPERATIONAL IMPACT OF PRIVATIZATION CONTRACT CHANGES

(a) The Agency of Administration, in consultation with the Joint Fiscal Office, shall assess the fiscal and operational impacts of:

- (1) modifying the definition of “privatization contract”; and
- (2) increasing the required cost savings of a privatized contract from 10 percent to 20 percent, as set forth in this act.

(b) The Agency 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 with its analysis conducted pursuant to this section on or before January 15, 2025.

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on passage, except that Sec. 1 and Sec. 3 shall take effect on July 1, 2025.

(Committee vote: 5-1-0)

#### **Reported favorably with recommendation of amendment by Senator Kitchel for the Committee on Appropriations.**

The Committee recommends that the bill be amended as recommended by the Committee on Government Operations, with further amendments as follows:

By striking out all after the enacting clause and inserting in lieu thereof the following:

#### Sec. 1. FISCAL AND OPERATIONAL IMPACT OF PRIVATIZATION CONTRACT CHANGES

(a) The Agency of Administration, in consultation with the Joint Fiscal Office, the State Auditor, and the Office of the Attorney General, shall assess the fiscal and operational impacts of:

(1) modifying the definition of “privatization contract” as set forth in 3 V.S.A. § 341, to:

(A) require that grants be included in privatization contracts; and

(B) remove the requirement that a privatization contract result in:

(i) the reduction in force of at least one permanent, classified employee; or

(ii) the elimination of a vacant position of an employee covered by a collective bargaining agreement;

(2) increasing the required cost savings of a privatization contract from 10 percent to 20 percent;

(3) requiring that contractors subject to a privatized contract pay their employees performing work pursuant to a privatized contract either the prevailing wage rate for such work as set by the U.S. Department of Labor, or the same wage rate as a State employee performing a substantially similar task would receive;

(4) requiring that contractors subject to a privatized contract offer their employees performing work pursuant to a privatized contract health benefits that are substantially similar to health benefits provided to State employees; and

(5) removing exceptions set forth in 3 V.S.A. § 342(4) that, after review, are used excessively or arbitrarily to certify privatized contracts by the Office of the Attorney General.

(b) The Agency shall submit a written report to the General Assembly with its analysis conducted pursuant to this section on or before February 1, 2025.

Sec. 2. 3 V.S.A. § 342 is amended to read:

#### § 342. CONTRACTING STANDARDS; CONTRACTS FOR SERVICES

Each contract for services valued at \$25,000.00 or more per year shall require certification by the Office of the Attorney General to the Secretary of Administration that such contract for services is not contrary to the ~~spirit and~~ intent of the classification plan and merit system and standards of this title. A contract for services is contrary to the ~~spirit and~~ intent of the classification plan and merit system and standards of this title, and shall not be certified by the Office of the Attorney General as provided in this section, unless the provisions of subdivisions (1), (2), and (3) of this section are met, or one or more of the exceptions described in subdivision (4) of this section apply.

\* \* \*

#### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

(Committee vote: 7-0-0)

#### **S. 167.**

An act relating to miscellaneous amendments to education law.

**Reported favorably with recommendation of amendment by Senator Campion 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:

\* \* \* Public Construction Bids \* \* \*

Sec. 1. 16 V.S.A. § 559 is amended to read:

§ 559. PUBLIC BIDS

\* \* \*

(b) High-cost construction contracts. When a school construction contract exceeds ~~\$500,000.00~~ \$2,000,000.00:

(1) The State Board shall establish, in consultation with the Commissioner of Buildings and General Services and with other knowledgeable sources, general rules for the prequalification of bidders on such a contract. The Department of Buildings and General Services, upon notice by the Secretary, shall provide to school boards undergoing construction projects suggestions and recommendations on bidders qualified to provide construction services.

(2) At least 60 days prior to the proposed bid opening on any construction contract to be awarded by a school board that exceeds ~~\$500,000.00~~ \$2,000,000.00, the school board shall publicly advertise for contractors interested in bidding on the project. The advertisement shall indicate that the school board has established prequalification criteria that a contractor must meet and shall invite any interested contractor to apply to the school board for prequalification. All interested contractors shall submit their qualifications to the school board, which shall determine a list of eligible prospective bidders based on the previously established criteria. At least 30 days prior to the proposed bid opening, the school board shall give written notice of the board's determination to each contractor that submitted qualifications. The school board shall consider all bids submitted by prequalified bidders meeting the deadline.

(c) Contract award.

(1) A contract for any such item or service to be obtained pursuant to subsection (a) of this section shall be ~~awarded to one of~~ selected from among the three or fewer lowest responsible bids conforming to specifications, with consideration being given to quantities involved, time required for delivery, purpose for which required, competency and responsibility of bidder, and ~~his or her~~ the bidder's ability to render satisfactory service. A board shall have the right to reject any or all bids.

(2) A contract for any property, construction, good, or service to be obtained pursuant to subsection (b) of this section shall be awarded to the lowest responsible bid conforming to specifications. However, when considering the base contract amount and without considering cost overruns, if

the two lowest responsible bids are within one percent of each other, the board may award the contract to either bidder. A board shall have the right to reject any bid found not to be responsible or conforming to specifications or to reject all bids.

\* \* \*

\* \* \* Postsecondary Schools Chartered in Vermont \* \* \*

Sec. 2. 16 V.S.A. § 176(d) is amended to read:

(d) Exemptions. The following are exempt from the requirements of this section except for the requirements of subdivision (c)(1)(C) of this section:

\* \* \*

(4) Postsecondary schools that are accredited. The following postsecondary institutions are accredited, meet the criteria for exempt status, and are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate: Bennington College, Champlain College, ~~College of St. Joseph~~, Goddard College, ~~Green Mountain College~~, Landmark College, ~~Marlboro College~~, Middlebury College, ~~New England Culinary Institute~~, Norwich University, Saint Michael's College, SIT Graduate Institute, ~~Southern Vermont College~~, Sterling College, Vermont College of Fine Arts, and Vermont Law and Graduate School. This authorization is provided solely to the extent necessary to ensure institutional compliance with federal financial aid-related regulations, and it does not affect, rescind, or supersede any preexisting authorizations, charters, or other forms of recognition or authorization.

\* \* \*

Sec. 3. 2023 Acts and Resolves No. 29, Sec. 6(c) is amended to read:

(c) Sec. 2 (16 V.S.A. § 1480) shall take effect on ~~July 1, 2024~~ July 1, 2025.

\* \* \* Holocaust Education \* \* \*

Sec. 4. HOLOCAUST EDUCATION; DATA COLLECTION; REPORT

(a) On or before December 1, 2024, the Agency of Education shall request from all supervisory unions a report containing information regarding whether and where Holocaust education is taught in the prekindergarten through grade 12 supervisory union-wide curriculum. The request required under this subsection shall be developed in consultation with the Vermont Holocaust Memorial.



(b) On or before September 1, 2025, Supervisory unions shall report back to the Agency with the information requested pursuant to subsection (a) of this section.

(c) On or before January 1, 2026, the Agency shall submit a written report to the Senate and House Committees on Education with information, organized by supervisory union, regarding the inclusion of Holocaust education in curriculum across the State. Additionally, the report shall include an explanation of how curricula are developed, including an analysis of how Holocaust education fits into the standards for student performance adopted by the State Board of Education pursuant to 16 V.S.A. § 164(9).

(d) On or before January 1, 2026, the Agency shall provide all supervisory unions with Holocaust education resources, which shall be developed in consultation with the Vermont Holocaust Memorial.

\* \* \* Virtual Learning \* \* \*

Sec. 5. 16 V.S.A. § 948 is added to read:

§ 948. VIRTUAL LEARNING

(a) The Agency of Education shall maintain access to and oversight of a virtual learning provider for the purpose of offering virtual learning opportunities to Vermont students.

(b) A student may enroll in virtual learning if:

(1) the student is enrolled in a Vermont public school, including a Vermont career technical center;

(2) virtual learning is determined to be an appropriate learning pathway outlined in the student's personalized learning plan; and

(3) the student's learning experience occurs under the supervision of an appropriately licensed educator and aligns with State expectations and standards, as adopted by the Agency and the State Board of Education, as applicable.

(c) The Agency of Education shall adopt rules pursuant to 3 V.S.A. chapter 25 to implement this section.

(d) A school district shall count a student enrolled in virtual learning in the school district's average daily membership, as defined in section 4001 of this title, if the student meets all of the criteria in subsection (b) of this section.

Sec. 6. 16 V.S.A. § 942(13) is amended to read:

(13) ~~“Virtual learning” means learning in which the teacher and student communicate concurrently through real-time telecommunication. “Virtual learning” also means online learning in which communication between the teacher and student does not occur concurrently and the student works according to his or her own schedule~~ an intentionally designed learning environment for online teaching and learning using online design principles and teachers trained in the delivery of online instruction. This instruction may take place either in a self-paced environment or a real-time environment.

\* \* \* Home Study Program \* \* \*

Sec. 7. 16 V.S.A. § 166b is amended to read:

§ 166b. HOME STUDY PROGRAM

\* \* \*

(e) Hearings after enrollment. If the Secretary has information that reasonably could be expected to justify an order of termination under this section, the Secretary may call a hearing. At the hearing, the Secretary shall establish one or more of the following:

(1) the home study program has substantially failed to comply with the requirements of this section;

(2) the home study program has substantially failed to provide a student with the minimum course of study; or

(3) the home study program will not provide a student with the minimum course of study.

(f) Notice and procedure. Notice of a hearing shall include a brief summary of the material facts and shall be sent to each parent or guardian and each instructor of the student or students involved who are known to the Secretary. The hearing shall occur within 30 days following the day that notice is given or sent. The hearing shall be conducted by an impartial hearing officer appointed by the Secretary from a list approved by the State Board. At the request of the child’s parent or guardian, the hearing officer shall conduct the hearing at a location in the vicinity of the home study program.

(g) Order following hearing. After hearing evidence, the hearing officer shall enter an order within 10 working days. The order shall provide that enrollment be continued or that the enrollment be terminated. An order shall take effect immediately. Unless the hearing officer provides for a shorter period, an order terminating enrollment shall extend until the end of the following school year, as defined in this title. If the order is to terminate the enrollment, a copy shall be given to the appropriate superintendent of schools,

who shall take appropriate action to ensure that the child is enrolled in a school as required by this title. Following a hearing, the Secretary may petition the hearing officer to reopen the case only if there has been a material change in circumstances.

\* \* \*

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

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

(Committee vote: 5-0-0)

**Reported favorably by Senator Baruth for the Committee on Appropriations.**

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Education.

(Committee vote: 7-0-0)

**Reported favorably by Senator McCormack for the Committee on Finance.**

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Education.

(Committee vote:7-0-0 )

**S. 259.**

An act relating to climate change cost recovery.

**Reported favorably with recommendation of amendment by Senator Hashim for the Committee on Judiciary.**

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. SHORT TITLE

This act may be cited as the “Climate Superfund Act.”

Sec. 2. 10 V.S.A. chapter 24A is added to read:

CHAPTER 24A. CLIMATE SUPERFUND COST RECOVERY PROGRAM

§ 596. DEFINITIONS

As used in this chapter:

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

(2) “Climate change adaptation project” means a project designed to respond to, avoid, moderate, repair, or adapt to negative impacts caused by climate change and to assist human and natural communities, households, and businesses in preparing for future climate-change-driven disruptions. Climate change adaptation projects include implementing nature-based solutions and flood protections; home buyouts; upgrading stormwater drainage systems; making defensive upgrades to roads, bridges, railroads, and transit systems; preparing for and recovering from extreme weather events; undertaking preventive health care programs and providing medical care to treat illness or injury caused by the effects of climate change; relocating, elevating, or retrofitting sewage treatment plants and other infrastructure vulnerable to flooding; installing energy efficient cooling systems and other weatherization and energy efficiency upgrades and retrofits in public and private buildings, including schools and public housing, designed to reduce the public health effects of more frequent heat waves and forest fire smoke; upgrading parts of the electrical grid to increase stability and resilience, including supporting the creation of self-sufficient microgrids; and responding to toxic algae blooms, loss of agricultural topsoil, crop loss, and other climate-driven ecosystem threats to forests, farms, fisheries, and food systems.

(3) “Climate Superfund Cost Recovery Program” means the program established by this chapter.

(4) “Coal” means bituminous coal, anthracite coal, and lignite.

(5)(A) “Controlled group” means two or more entities treated as a single employer under:

(i) 26 U.S.C. § 52(a) or (b), without regard to 26 U.S.C. § 1563(b)(2)(C); or

(ii) 26 U.S.C. § 414(m) or (o).

(B) For purposes of this chapter, entities in a controlled group are treated as a single entity for purposes of meeting the definition of responsible party and are jointly and severally liable for payment of any cost recovery demand owed by any entity in the controlled group.

(6) “Cost recovery demand” means a charge asserted against a responsible party for cost recovery payments under the Program for payment to the Fund.

(7) “Covered greenhouse gas emissions” means the total quantity of greenhouse gases released into the atmosphere during the covered period, expressed in metric tons of carbon dioxide equivalent, resulting from the use of fossil fuels extracted or refined by an entity.

(8) “Covered period” means the period that began on January 1, 1995 and ended on December 31, 2024.

(9) “Crude oil” means oil or petroleum of any kind and in any form, including bitumen, oil sands, heavy oil, conventional and unconventional oil, shale oil, natural gas liquids, condensates, and related fossil fuels.

(10) “Entity” means any individual, trustee, agent, partnership, association, corporation, company, municipality, political subdivision, or other legal organization, including a foreign nation, that holds or held an ownership interest in a fossil fuel business during the covered period.

(11) “Environmental justice focus population” has the same meaning as in 3 V.S.A. § 6002.

(12) “Fossil fuel” means coal, petroleum products, and fuel gases.

(13) “Fossil fuel business” means a business engaging in the extraction of fossil fuels or the refining of petroleum products.

(14) “Fuel gases” or “fuel gas” means:

(A) methane;

(B) natural gas;

(C) liquified natural gas; and

(D) manufactured fuel gases.

(15) “Fund” means the Climate Superfund Cost Recovery Program Fund established pursuant to section 599 of this title.

(16) “Greenhouse gas” has the same meaning as in section 552 of this title.

(17) “Nature-based solutions” means projects that utilize or mimic nature or natural processes and functions and that may also offer environmental, economic, and social benefits while increasing resilience. Nature-based solutions include both green and natural infrastructure.

(18) “Notice of cost recovery demand” means the written communication from the Agency informing a responsible party of the amount of the cost recovery demand payable to the Fund.

(19) “Petroleum product” means any product refined or re-refined from:

(A) synthetic or crude oil; or

(B) crude oil extracted from natural gas liquids or other sources.

(20) “Program” means the Climate Superfund Cost Recovery Program established under this chapter.

(21) “Qualifying expenditure” means an authorized payment from the Fund to pay reasonable expenses associated with the administration of the Fund and the Program and as part of the support of a climate change adaptation project, including its operation, monitoring, and maintenance.

(22) “Responsible party” means any entity or a successor in interest to an entity that during any part of the covered period was engaged in the trade or business of extracting fossil fuel or refining crude oil and is determined by the Agency attributable to for more than one billion metric tons of covered greenhouse gas emissions during the covered period. The term responsible party does not include any person who lacks sufficient connection with the State to satisfy the nexus requirements of the U.S. Constitution.

(23) “Strategy” means the Resilience Implementation Strategy adopted by the Agency.

#### § 597. THE CLIMATE SUPERFUND COST RECOVERY PROGRAM

There is hereby established the Climate Superfund Cost Recovery Program administered by the Climate Action Office of the Agency of Natural Resources. The purposes of the Program shall be all of the following:

(1) to secure compensatory payments from responsible parties based on a standard of strict liability to provide a source of revenue for climate change adaptation projects within the State;

(2) to determine proportional liability of responsible parties;

(3) to impose cost recovery demands on responsible parties and issue notices of cost recovery demands;

(4) to accept and collect payment from responsible parties;

(5) to develop, adopt, implement, and update the Strategy that will identify and prioritize climate change adaptation projects; and

(6) to disperse funds to implement climate change adaptation projects identified in the Strategy.

#### § 598. LIABILITY OF RESPONSIBLE PARTIES

(a)(1) A responsible party shall be strictly liable for a share of the costs of climate change adaptation projects and all qualifying expenditures supported by the Fund.

(2) For purposes of this section, entities in a controlled group:

(A) shall be treated by the Agency as a single entity for the purposes of identifying responsible parties; and

(B) are jointly and severally liable for payment of any cost recovery demand owed by any entity in the controlled group.

(b) With respect to each responsible party, the cost recovery demand shall be equal to an amount that bears the same ratio to the cost to the State of Vermont and its residents, as calculated by the State Treasurer pursuant to section 599c of this title, from the emission of covered greenhouse gases during the covered period as the responsible party's applicable share of covered greenhouse gas emissions bears to the aggregate applicable shares of covered greenhouse gas emissions resulting from the use of fossil fuels extracted or refined during the covered period.

(c) If a responsible party owns a minority interest of 10 percent or more in another entity, the responsible party's applicable share of covered greenhouse gas emissions shall be increased by the applicable share of covered greenhouse gas emissions for the entity in which the responsible party holds a minority interest multiplied by the percentage of the minority interest held by the responsible party.

(d) The Agency shall use the U.S. Environmental Protection Agency's Emissions Factors for Greenhouse Gas Inventories as applied to the best publicly available fossil fuel volume data for the purpose of determining the amount of covered greenhouse gas emissions attributable to any entity from the fossil fuels attributable to the entity.

(e) The Agency may adjust the cost recovery demand amount of a responsible party who refined petroleum products or who is a successor in interest to an entity that refines petroleum products if the responsible party establishes to the satisfaction of the Agency that:

(1) a portion of the cost recovery demand amount was attributable to the refining of crude oil extracted by another responsible party; and

(2) the crude oil extracted by the other entity was accounted for when the Agency determined the cost recovery demand amount for the other entity of a successor in interest of the other entity.

(f) The Agency shall issue the cost recovery demands required under this section not later than six months following the adoption of the rules required under subdivision 599a(b)(2) of this title.

(g)(1) Except as provided in subdivision (2) of this subsection, a responsible party shall pay the cost recovery demand amount in full not later

than six months following the Secretary's issuance of the cost recovery demand.

(2)(A) A responsible party may elect to pay the cost recovery demand amount in nine annual installments in accordance with this subdivision (2).

(B) The first installment shall be paid not later than six months following the Secretary's issuance of the cost recovery demand and shall be equal to 20 percent of the total cost recovery demand amount.

(C) Each subsequent installment shall be paid one year from the initial payment each subsequent year and shall be equal to 10 percent of the total cost recovery demand amount. The Secretary, at the Secretary's discretion, may adjust the amount of a subsequent installment payment to reflect increases or decreases in the Consumer Price Index.

(D)(i) The unpaid balance of all remaining installments shall become due immediately if:

(I) the responsible party fails to pay any installment in a timely manner, as specified in Agency rules;

(II) except as provided in subdivision (ii) of this subdivision (g)(2)(D), there is a liquidation or sale of substantially all the assets of the responsible party; or

(III) the responsible party ceases to do business.

(ii) In the case of a sale of substantially all the assets of a responsible party, the remaining installments shall not become due immediately if the buyer enters into an agreement with the Agency under which the buyer assumes liability for the remaining installments due under this subdivision (2) in the same manner as if the buyer were the responsible party.

(h) The Agency shall deposit cost recovery payments collected under this chapter to the Climate Superfund Cost Recovery Program Fund established under section 599 of this title.

(i) A responsible party aggrieved by the issuance of a notice of cost recovery demand shall exhaust administrative remedies by filing a request for reconsideration with the Secretary within 15 days following issuance of the notice of cost recovery demand. A request for reconsideration shall state the grounds for the request and include supporting documentation. The Secretary shall notify the responsible party of the final decision by issuing a subsequent notice of cost recovery demand. A responsible party aggrieved by the issuance of a final notice of cost recovery demand may bring an action pursuant to Rule



74 of the Vermont Rules of Civil Procedure in the Civil Division of the Superior Court of Washington County.

(j) Nothing in this section shall be construed to supersede or diminish in any way existing remedies available to a person of the State at common law or under statute.

§ 599. CLIMATE SUPERFUND COST RECOVERY PROGRAM FUND

(a) There is created the Climate Superfund Cost Recovery Program Fund to be administered by the Secretary of Natural Resources to provide funding for climate change adaptation projects in the State. The Fund shall consist of:

(1) cost recovery payments distributed to the Fund under section 598 of this title;

(2) monies from time to time appropriated to the Fund by the General Assembly; and

(3) other gifts, donations, or other monies received from any source, public or private, dedicated for deposit into the Fund and approved by the Secretary of Administration.

(b) The Fund may be used only:

(1) to pay:

(A) qualified expenditures for climate change adaptation projects identified by the Agency in the Strategy; and

(B) reasonable administrative expenses of the Program; and

(2) to implement climate adaptation action identified in the State Hazard Mitigation Plan.

(c) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7, subchapter 5, unexpended balances and interest earned by the Fund shall be retained in the Fund from year to year.

§ 599a. REPORTS; RULEMAKING

(a) On or before January 15, 2025, the Agency, in consultation with the State Treasurer, shall submit a report to the General Assembly detailing the feasibility and progress of carrying out the requirements of this chapter, including any recommendations for improving the administration of the Program.

(b) The Agency shall adopt rules necessary to implement the requirements of this chapter, including:

(1) adopting methodologies using the best available science and publicly available data to identify responsible parties and determine their applicable share of covered greenhouse gas emissions;

(2) requirements for registering entities that are responsible parties and issuing notices of cost recovery demands under the Program; and

(3) the Resilience Implementation Strategy, which shall include:

(A) practices utilizing nature-based solutions intended to stabilize floodplains, riparian zones, lake shoreland, wetlands, and similar lands;

(B) practices to adapt infrastructure to the impacts of climate change;

(C) practices needed to build out early warning mechanisms and support fast, effective response to climate-related threats;

(D) practices that support economic and environmental sustainability in the face of changing climate conditions; and

(E) criteria and procedures for prioritizing climate change adaptation projects eligible to receive monies from the Climate Superfund Cost Recovery Program.

(c) In adopting the Strategy, the Agency shall:

(1) consult with the Environmental Justice Advisory Council;

(2) in consultation with other State agencies and departments, including the Department of Public Safety's Division of Vermont Emergency Management, assess the adaptation needs and vulnerabilities of various areas vital to the State's economy, normal functioning, and the health and well-being of Vermonters;

(3) identify major potential, proposed, and ongoing climate change adaptation projects throughout the State;

(4) identify opportunities for alignment with existing federal, State, and local funding streams;

(5) consult with stakeholders, including local governments, businesses, environmental advocates, relevant subject area experts, and representatives of environmental justice focus populations;

(6) consider components of the Vermont Climate Action Plan required under section 592 of this title that are related to adaptation or resilience, as defined in section 590 of this title; and

(7) conduct public engagement in areas and communities that have the most significant exposure to the impacts of climate change, including disadvantaged, low-income, and rural communities and areas.

(d) Nothing in this section shall be construed to limit the existing authority of a State agency, department, or entity to regulate greenhouse gas emissions or establish strategies or adopt rules to mitigate climate risk and build resilience to climate change.

§ 599b. CLIMATE CHANGE COST RECOVERY PROGRAM AUDIT

Once every five years, the State Auditor shall evaluate the operation and effectiveness of the Climate Superfund Cost Recovery Program. The Auditor shall make recommendations to the Agency on ways to increase program efficacy and cost-effectiveness. The Auditor shall submit the results of the audit to the Senate Committees on Natural Resources and Energy and on Judiciary and the House Committees on Environment and Energy and on Judiciary.

§ 599c. STATE TREASURER REPORT ON THE COST TO VERMONT OF COVERED GREENHOUSE GAS EMISSIONS

On or before January 15, 2026, the State Treasurer, after consultation with the Interagency Advisory Board to the Climate Action Office, and with any other person or entity whom the State Treasurer decides to consult for the purpose of obtaining and utilizing credible data or methodologies that the State Treasurer determines may aid the State Treasurer in making the assessments and estimates required by this section, shall submit to the Senate Committees on Appropriations, on Finance, on Agriculture, and on Natural Resources and Energy and the House Committees on Appropriations; on Ways and Means; on Agriculture, Food Resiliency, and Forestry; and on Environment and Energy an assessment of the cost to the State of Vermont and its residents of the emission of covered greenhouse gases for the period that began on January 1, 1995 and ended on December 31, 2024. The assessment shall include:

(1) a summary of the various cost-driving effects of covered greenhouse gas emissions on the State of Vermont, including effects on public health, natural resources, biodiversity, agriculture, economic development, flood preparedness and safety, housing, and any other effect that the State Treasurer, in consultation with the Climate Action Office, determines is relevant;

(2) a categorized calculation of the costs that have been incurred and are projected to be incurred in the future within the State of Vermont of each of the effects identified under subdivision (1) of this section; and

(3) a categorized calculation of the costs that have been incurred and are projected to be incurred in the future within the State of Vermont to abate the effects of covered greenhouse gas emissions from between January 1, 1995 and December 31, 2024 on the State of Vermont and its residents.

### Sec. 3. IMPLEMENTATION

(a) On or before July 1, 2025, the Agency of Natural Resources pursuant to 3 V.S.A. § 837 shall file with the Interagency Committee on Administrative Rules the proposed rule for the adoption of the Resilience Implementation Strategy required pursuant to 10 V.S.A § 599a(b)(3). On or before January 1, 2026, the Agency of Natural Resources shall adopt the final rule establishing the Resilience Implementation Strategy required pursuant to 10 V.S.A § 599a(b)(3).

(b) On or before July 1, 2026, the Agency of Natural Resources pursuant to 3 V.S.A. § 837 shall file with the Interagency Committee on Administrative Rules the proposed rules required pursuant to 10 V.S.A. § 599a(b)(1) and (b)(2). On or before January 1, 2027, the Agency of Natural Resources shall adopt the final rule rules required pursuant to 10 V.S.A. § 599a(b)(1) and (b)(2).

### Sec. 4. APPROPRIATIONS

(a) The sum of \$300,000.00 is appropriated from the General Fund to the Agency of Natural Resources in fiscal year 2025 for the purpose of implementing the requirements of this act, including for personal services for the position created pursuant to Sec. 5 of this act; costs associated with providing administrative, technical, and legal support in carrying out the requirements of this act and the Program; hiring consultants and experts; and for other necessary costs and expenses.

(b) The sum of \$300,000.00 is appropriated from the General Fund to the Office of the State Treasurer in fiscal year 2025 for the purposes of hiring consultants or third-party services to assist in the completion of the assessment required by 10 V.S.A. § 599c of the cost to the State of Vermont and its residents of the emission of covered greenhouse gases. Notwithstanding the authorized uses of the Climate Superfund Cost Recovery Program Fund pursuant to 10 V.S.A. § 599(b), the first \$300,000.00 deposited into the Climate Superfund Cost Recovery Program Fund shall be used to reimburse the General Fund for the funds appropriated to the Office of the State Treasurer under this section.

### Sec. 5. AGENCY OF NATURAL RESOURCES; POSITION

One three-year limited service position is created in the Agency of Natural Resources for the purpose of implementing this act.

Sec. 6. 10 V.S.A. § 8003(a) 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:

\* \* \*

(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; and

(33) 10 V.S.A. chapter 24A relating to the Climate Superfund Cost Recovery Program.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

(Committee vote: 5-0-0)

**Reported favorably by Senator Bray for the Committee on Finance.**

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Judiciary.

(Committee vote: 6-1-0)

**Reported favorably with recommendation of amendment by Senator Sears for the Committee on Appropriations.**

The Committee recommends that the bill be amended as recommended by the Committee on Judiciary, with further amendment as follows:

In Sec. 2, 10 V.S.A. § 599, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) The Fund may be used only:

(1) to pay:

(A) qualified expenditures for climate change adaptation projects identified by the Agency in the Strategy; and

(B) reasonable administrative expenses of the Program;

(2) to implement climate adaptation action identified in the State Hazard Mitigation Plan; and

(3) to implement the Community Resilience and Disaster Mitigation Grant Program established pursuant to 20 V.S.A. §§ 48 and 49.

(Committee vote: 7-0-0)

## **Proposed Amendments to the Vermont Constitution**

### **PROPOSAL 3**

**(Third day on Notice Calendar pursuant to Rule 77)**

Offered by: Senators Hashim, Baruth, Bray, Campion, Clarkson, Cummings, Gulick, Hardy, Harrison, Lyons, MacDonald, McCormack, Perchlik, Ram Hinsdale, Sears, Vyhovsky, Watson, Weeks, White and Wrenner

Subject: Declaration of Rights; right to collectively bargain

**PENDING ACTION:** Second Reading of the proposed amendment

**Text of Proposal 3:**

### PROPOSAL 3

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide that the citizens of the State have a right to collectively bargain.

Sec. 2. Article 23 of Chapter I of the Vermont Constitution is added to read:

Article 23. [Right to collectively bargain]

That employees have a right to organize or join a labor organization for the purpose of collectively bargaining with their employer through an exclusive representative of their choosing for the purpose of negotiating wages, hours, and working conditions and to protect their economic welfare and safety in the workplace, and that a labor organization chosen to represent a group of employees shall have the right to collect dues from its members. Therefore, no law shall be adopted that interferes with, negates, or diminishes the right of employees to collectively bargain with respect to wages, hours, and other terms and conditions of employment and workplace safety, or that prohibits the application or execution of an agreement between an employer and a labor organization representing the employer's employees that requires membership in the labor organization as a condition of employment.

Sec. 3. EFFECTIVE DATE

The amendment set forth in this proposal shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2026 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

**Reported favorably with recommendation of amendment by Senator Harrison for the Committee on Economic Development, Housing and General Affairs.**

The Committee recommends that the proposal be amended by striking out the proposal in its entirety and inserting in lieu thereof the following:

### PROPOSAL 3

#### Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide that the citizens of the State have a right to collectively bargain.

Sec. 2. Article 23 of Chapter I of the Vermont Constitution is added to read:

Article 23. [Right to collectively bargain]

That employees have a right to organize or join a labor organization for the purpose of collectively bargaining with their employer through an exclusive representative of their choosing for the purpose of negotiating wages, hours, and working conditions and to protect their economic welfare and safety in the workplace. Therefore, no law shall be adopted that interferes with, negates, or diminishes the right of employees to collectively bargain with respect to wages, hours, and other terms and conditions of employment and workplace safety, or that prohibits the application or execution of an agreement between an employer and a labor organization representing the employer's employees that requires membership in the labor organization as a condition of employment.

#### Sec. 3. EFFECTIVE DATE

The amendment set forth in this proposal shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2026 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

(Committee vote: 5-0-0)

### **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]*

**JFO #3191:** One (1) limited-service position to the Agency of Human Services, Department of Health to assess and carry out work related to data on maternal mortality and sudden unexpected infant deaths. Position requires quality assurance of data and transfer to federal data tracking systems. Position is funded through 09/29/2024 through previously approved JFO #1891.

*[Received March 12, 2024]*

**JFO #3192:** \$327,250.00 to the Agency of Human Services, Department of Health from the Centers for Disease Control and Prevention for data collection and public awareness related to Chronic Obstructive Pulmonary Disease. The grant is expected to fund yearly through 9/29/2027. The grant includes one (1) limited-service position, Health Systems Program Administrator, to manage contracts and grants associated with the funding and communications with the CDC. The position is also funded through 9/29/2027.

*[Received March 12, 2024]*

**JFO #3193:** Land donation of 18.6 acres of undevelopable wetlands in Newport City, VT from Linda Chamberlin Mosher to the Agency of Natural Resources, Department of Fish and Wildlife. The land abuts the existing South Bay Wildlife Management Area and will expand wildlife and fish habitats and improve public access. The donation value is \$51,500.00. Estimated closing costs of \$10,000.00 and ongoing maintenance costs are covered by already budgeted federal funds. No state funds will be used for the acquisition.

*[Received March 12, 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. House Committee bills must be voted out of Committee by Friday, March 15, 2024 and introduced 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).**

### **FOR INFORMATIONAL PURPOSES**

### **CONSTITUTIONAL AMENDMENTS**

The 2023-2024 biennium is the second reading of a proposal of amendment; there is only a second reading this biennium. Third reading is during the 2025-2026 biennium.

Upon being reported by a committee, the proposal is printed in full in the Senate Calendar on the Notice Calendar for five legislative days. Senate Rule 77.

At second reading the proposal of amendment is read in full. Senate Rule 77.

The vote on any constitutional proposal of amendment and any amendment thereto is by yeas and nays. Senate Rules 77 and 80, and Vermont Constitutional §72 (requirement of 2/3 vote of members).

At second reading, the questions is: “Shall the Senate adopt the proposal of amendment to the Constitution of Vermont (as amended) as recommended by the Committee on \_\_\_\_ and request the concurrence of the House?” which requires 20 votes – 2/3 of the Senate. Vermont Constitution §72. Any amendments to the proposal of amendment require a majority. Senate Rule 80.

Amendments recommended by any senator shall be submitted to the committee of reference, in written form, where they shall be acted upon by the committee. Upon adoption or rejection of any amendment by the committee, the amendment and recommendation shall be printed in the calendar at least one legislative day before second reading. Senate Rule 78.