

Journal of the House

Friday, May 3, 2024

At one o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

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

Bills Referred to Committee on Appropriations

Senate bills of the following titles, appearing on the Notice Calendar, carrying appropriations, under House Rule 35(a), were referred to the Committee on Appropriations:

S. 114

Senate bill, entitled

An act relating to the establishment of the Psychedelic Therapy Advisory Working Group

S. 159

Senate bill, entitled

An act relating to the County and Regional Governance Study Committee

Pending Entry on the Notice Calendar Bill Referred to the Committee on Appropriations

S. 55

Senate bill, entitled

An act relating to authorizing public bodies to meet electronically under Vermont's Open Meeting Law

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Ceremonial Reading

H.C.R. 239

House concurrent resolution congratulating the 2024 Vermont finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching

Offered by: Representatives McCann of Montpelier, Andrews of Westford, Andriano of Orwell, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Berbeco of Winooski, Bluemle of Burlington, Branagan of

Georgia, Brumsted of Shelburne, Burke of Brattleboro, Buss of Woodstock, Carpenter of Hyde Park, Chapin of East Montpelier, Coffey of Guilford, Cole of Hartford, Demrow of Corinth, Dickinson of St. Albans Town, Dodge of Essex, Dolan of Waitsfield, Farlice-Rubio of Barnet, Goslant of Northfield, Graning of Jericho, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Holcombe of Norwich, Hooper of Burlington, Howard of Rutland City, LaBounty of Lyndon, Logan of Burlington, Mattos of Milton, McGill of Bridport, Minier of South Burlington, Morris of Springfield, Morrissey of Bennington, Ode of Burlington, Page of Newport City, Patt of Worcester, Peterson of Clarendon, Pouech of Hinesburg, Priestley of Bradford, Quimby of Lyndon, Small of Winooski, Stebbins of Burlington, Stone of Burlington, Taylor of Milton, Taylor of Colchester, White of Bethel, and Wood of Waterbury

Offered by: Senators Clarkson, Lyons, Perchlik, Vyhovsky, Watson, and Wrenner

Whereas, since 1983, the National Science Foundation, in collaboration with the White House Office of Science and Technology Policy, has annually presented the Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST) to two teachers from each state and American jurisdiction who teach either science, technology, engineering, or mathematics, and

Whereas, on a rotating basis, the eligible applicants are either secondary or, as for the 2023–2024 academic year, elementary school teachers, and

Whereas, a state committee of prominent science and technology teachers and researchers reviews the applicants and selects a maximum of six teachers per state, and

Whereas, the factors considered include “evidence of deep content knowledge, exemplary pedagogical skills, student assessment expertise, reflective teaching, and leadership that results in improved student learning,” and

Whereas, each jurisdictional awardee receives a \$10,000.00 National Science Foundation award and an all-expenses-paid trip to Washington, DC, for the awards ceremony, recognition events, and professional development opportunities at which a maximum of two national awardees per state or jurisdiction are named, and

Whereas, in 2024, the fantastic Vermont teachers who earned PAEMST finalist status are Kathy Gingras (Washington Village School) for math, and Alyssa Castellini (Bethel Elementary School) and Jo Ann Harvey (Georgia Elementary School) for science, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2024 Vermont finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to each teacher honored in this resolution.

Having been adopted in concurrence on Friday, April 26, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 241

House concurrent resolution congratulating the drama students and theater department of U-32 High School on earning a berth at the 2024 New England Theatre Festival

Offered by: Representatives Chapin of East Montpelier, Donahue of Northfield, Goslant of Northfield, LaMont of Morristown, Mihaly of Calais, and Patt of Worcester

Whereas, two high school dramas from each New England state are annually presented at the New England Drama Council's New England Theatre Festival, held in 2024 at Attleboro (Massachusetts) High School, and

Whereas, U-32 High School's world premiere of their original play *Unspoken Word* was selected based on winning performances at the regional One Act Festival held at Hazen Union High School and at the subsequent Vermont Drama Festival conducted at Otter Valley Union High School, and

Whereas, the plot of *Unspoken Word* "centers around Piper, a tenth-grade student grappling with selective mutism, bullying, and the aftermath of her parents' divorce," and the storyline also includes the presence of Maria Sibylla Merian, a real-life 17th-century scientist and illustrator, and

Whereas, *Unspoken Word* was a collaboration between director and playwright Erin Galligan-Baldwin and U-32 High School junior Calister Boyd, and the script featured the poetry of students Nadia Gongloff-Doolittle, Ace LaFountain, Mayla Landis-Marinello, Evelyn Rocha, and Ella Thomas, and

Whereas, the exemplary student cast was Jakobi Kmiecik, Evelyn Rocha, Willoughby Mikus, Ari Jorgenson, Avery Cochran, Aliza Azarian, Calister Boyd, Ari Chapin, Mayla Landis-Marinello, Ace LaFountain, Dallas Sulton'El, Ella Thomas, Nadia Gongloff-Doolittle, Amelia Garland, Kai LaRosa, Brennan Swaim, and Ashlynn Hayes, and

Whereas, adult mentors Director Erin Galligan-Baldwin, Technical Director David Sanguinetti, Costume Advisor Amy Papineau, and Lighting Designer Joseph Sanguinetti oversaw the student technical wizards Cole Saunders, Annabelle Morland, Ruby McElwain, Jesse Batdorff, Jaden Singer, Anna Stoner, Baker Beauchamp, Ace LaFountain, Emma Canty, Mira Hamilton, Olivia Sumner, Connor Boccia-Cole, Nico Chan, Adam Greenberg, Vaughn O'Hanlon, Hazel Singer, Caleb Webster, and Aidan Wiseman, and

Whereas, U-32 Principal Steven Dellinger-Pate and Theater Program Assistant Sue Verchereau were proud of these exemplary thespians, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the drama students and theater department of U-32 High School on earning a berth at the 2024 New England Theatre Festival, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to U-32 High School.

Having been adopted in concurrence on Friday, April 26, 2024 in accord with Joint Rule 16b, was read.

Third Reading;

Bills Passed in Concurrence with Proposal of Amendment

The following bills were severally taken up, read the third time, and passed in concurrence with proposal of amendment:

S. 98

Senate bill, entitled

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

S. 213

Senate bill, entitled

An act relating to the regulation of wetlands, river corridor development, and dam safety

S. 301

Senate bill, entitled

An act relating to miscellaneous agricultural subjects

**Proposal of Amendment Amended; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment;
Rules Suspended, Messaged to the Senate Forthwith**

S. 309

Senate bill, entitled

An act relating to miscellaneous changes to laws related to the Department of Motor Vehicles, motor vehicles, and vessels

Was taken up and, pending third reading of the bill, **Rep. Shaw of Pittsford** moved to amend the House proposal of amendment in Sec. 18, 23 V.S.A. § 1251, by striking out subdivision (a)(4), in its entirety and inserting in lieu thereof a new subdivision (a)(4) to read as follows:

(4) a lamp or lamps that are not emergency warning lamps and provide a flashing light in a color other than amber, except that this prohibition shall not apply to a motorcycle headlamp modulation system that meets the criteria specified in Federal Motor Vehicle Safety Standard 108, codified at 49 C.F.R. § 571.108.

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

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

**Second Reading; Bill Amended; Third Reading Ordered;
Rules Suspended, All Remaining Stages of Passage; Third Reading;
Bill Passed; Rules Suspended, Messaged to the Senate Forthwith**

H. 503

Rep. Higley of Lowell, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the Town of St. Johnsbury

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the Town of St. Johnsbury as set forth in this act. Voters approved the proposals of amendment on November 8, 2022.

Sec. 2. 24 App. V.S.A. chapter 151 is amended to read:

CHAPTER 151. TOWN OF ST. JOHNSBURY

Subchapter 1. Powers of the Town

* * *

~~§ 2A. TAXATION FOR BONDS AND NOTES~~

~~Notwithstanding subsection 2(b) of this charter, all taxable property in the Town of St. Johnsbury shall be subject to the levy of unlimited ad valorem taxes to pay bonds and notes authorized by the voters of the Town for water purposes.~~

~~§ 3. SETTLEMENT OF VILLAGE AFFAIRS~~

~~The officers of the Village of St. Johnsbury shall, prior to the date when 1957 Acts and Resolves No. 345, as amended, goes into effect, settle, so far as possible, the pecuniary affairs of the Village of St. Johnsbury, and shall, except as hereinafter provided, on said date turn over and deliver to the Clerk of the Town of St. Johnsbury, all the records, books, and documents of the Village of St. Johnsbury, and to the proper officers of the said Town all other property of the said Village.~~

~~§ 4. AUTHORITY; ANNUAL MEETING~~

~~(a) Said Town shall have and is hereby granted the authority to exercise all powers relating to municipal affairs and no enumeration of powers in this charter shall be deemed to limit or restrict the general grant of authority hereby conferred; but this grant of authority shall not be deemed to limit the authority of the Legislature to alter, amend, or repeal this charter; or to limit the right to hereafter pass general laws applicable alike to this and all other municipal corporations of the State; nor shall this grant of authority be deemed to limit the patronage or control of the State with respect to said Town.~~

~~(b) The Town shall start its annual meeting at 7:30 o'clock in the afternoon of the day before the first Tuesday of March and may transact at that time any business not involving voting by Australian ballot or voting required by law to be by ballot and to be held on the first Tuesday of March. Discussion shall be permitted at such meetings on all articles contained in the warning for the annual meeting. A meeting so started shall be adjourned until the following day.~~

~~§ 5. POWERS~~

~~Under the general grant of authority contained in and conferred upon the town by section 4 of this charter, the Town of St. Johnsbury may exercise the following powers and functions:~~

~~(1) To levy, assess, and collect taxes in order to carry out its powers to appropriate and to borrow money within the limits prescribed by the general laws, and to collect special assessments for benefits conferred.~~

~~(2) To furnish all local public services, including without limiting the generality of the foregoing a water system, electric light and power system, and a sewage system and disposal plant; to purchase, hire, construct, own, maintain, and operate or lease local public utilities subject to chapter 411 of V.S. 47; to acquire, by condemnation or otherwise, within or without the limits of said Town, property necessary for any such purpose, subject to restrictions imposed by the general law for the protection of other communities.~~

~~(3) To make local public improvements and to acquire, by condemnation or otherwise, property within its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.~~

~~(4) To acquire by gift or purchase, sell, convey, lease, assign, maintain, and service real and personal property as may be necessary or incidental to the exercise of its municipal powers, duties, and functions and to exercise in connection therewith any incidental powers as may be necessary to preserve and maintain the value of any such property once lawfully acquired.~~

~~(5) To issue and sell bonds on the security of any such property, or of any public utility owned by the Town, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the Town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.~~

~~(6) To purchase or lease lands within or without the corporate limits of the Town, to lay out or widen streets, highways, lanes, commons, alleys, and walks, to provide places of healthy recreation in summer or in winter such as a skating rink, a swimming pool, a playing field, a public park; to provide for tourist camping sites, and aviation landing field, and a municipal forest reserve; and for any municipal purposes whatever.~~

~~(7) To adopt and enforce within its limits local police, sanitary, zoning, Town planning, and other similar regulations, not in conflict with the laws of this State.~~

~~(8) To establish and maintain a fire department.~~

~~(9) To establish and maintain a police department, to provide for the appointment of police officers, who shall be sworn and who shall have the same powers as constables in the service of civil and criminal process, and such further special authority as may be provided in the bylaws or ordinances~~

of said Town enacted under authority of law. Such fire and police departments may be consolidated into one department if the Town shall so vote.

(10) To appropriate annually money for the maintenance, care, improvement, and support of Fairbanks Museum, so long as the same shall remain a nonprofit institution for the promotion of education.

* * *

§ 7. BYLAWS

In meetings duly warned for the purpose, the Town of St. Johnsbury shall have power to make, alter, repeal, or amend bylaws that, together with the ordinances and regulations adopted by the Selectboard, shall regulate its affairs and shall carry into effect the provisions and intent of this charter.

§ 8. ORDINANCES AND REGULATIONS

The Selectboard of the Town of St. Johnsbury, consistent with the Constitution and laws of the United States and of this State, shall have the power and authority to make, establish, impose, alter, amend, or repeal ordinances and regulations and to enforce the same by fine, penalty, forfeiture, injunction, restraining order, or any proper remedy, with respect to the inspection, regulation, licensing, or suppression of the following affairs, establishments, employments, enterprises, uses, undertakings, and businesses, viz:

(1) The sale and measurement of wood, coal, oil, and all other fuels; hay scales; markets dealing in meat, fish, and foodstuffs; slaughterhouses; groceries; restaurants, lunch carts, and other eating establishments; all places where beverages are manufactured, processed, bottled, or sold; manufacturing establishments; saloons; taverns; innkeepers; hotels; motels; rooming houses; junk businesses; advertising billboards; overhanging signs and awnings; billiard rooms; pool rooms; bowling alleys; public halls; dance halls; theaters; moving picture houses; all places where tobacco, cigars, and cigarettes are manufactured or sold; repair shops; brickyards; stone sheds; blacksmith shops; public garages; the transportation, storage, and sale of propane gas, naphtha, gasoline, kerosene, fuel oil, and other inflammable oils; the breeding, raising, and keeping of horses, cattle, swine, poultry, mink, foxes, furbearing, and other domestic animals; coal sheds; wood yards; creameries, dairies; dyeing establishments; garbage plants; gas works; livery stables; skating rinks; sewers; cesspools; privies; cow stables, barns; wells; and public dumps; oil and gasoline storage tanks, and gasoline filling stations.

(2) Processions, parades, traveling showmen, shows, circuses, menageries, carnivals, clairvoyants, mendicants, fortune tellers, spiritualists,

~~mediums, itinerant vendors, peddlers, auctioneers, pawnbrokers, professional and amateur sports.~~

~~(3) The use of streets and highways; the regulation of traffic, both vehicular and pedestrian; taxicabs and all vehicles, exclusive of motor buses, used in the conveyance for hire of persons or goods; the parking, operation, and speed of vehicles; guide posts, street signs, and street safety devices; milk and cream businesses and routes.~~

~~(4) Cruelty to animals; fast driving; the going at large of animals; and the keeping of bees.~~

~~(5) The erection of poles, and the placing of wires, cables, and pipes, subject to the provision of chapter 409 V.S. 47; the laying of water mains and sewers; the excavating of streets; the disposal of refuse, filth, and animal carcasses; the throwing or dumping of ashes, waste paper, handbills, circulars, or rubbish of any sort; the planting, preservation, or destruction of shade trees.~~

~~(6) The transportation, manufacture, storage, and sale of gunpowder, ashes, lime, matches, fireworks, explosives, acids, and other dangerous or combustible materials.~~

~~(7) The cleaning of public sidewalks and gutters, and the removal therefrom of snow, ice, litter, garbage, stands, tables, boxes, and other materials encumbering or obstructing any public sidewalk, street, or way.~~

~~(8) A building code; the construction, repair, and alteration of chimneys, flues, stovepipes, furnaces, fireplaces, and heating apparatus and plumbing facilities of all kinds.~~

~~(9) Nuisances, bawdyhouses, gaming houses; racing pools; gambling instruments of all kinds; noisome and offensive places and occupations; loafing, obscenity, and ribaldry upon the Town streets and highways; vagrancy; riots, disturbances, disorderly assemblies, and all breaches of the peace; pollution of the public water supply.~~

~~§ 9. PUBLICATION OF BYLAWS AND ORDINANCES~~

~~The bylaw adopted by the Town and the ordinances and regulations passed by the Selectboard, whether enacted under the authority of general or special law, shall be published in a newspaper having general circulation in said Town at least 20 days before the effective date thereof, and all such enactments shall thereupon be recorded at length by the Town Clerk in a book kept for that purpose in the office of the Town Clerk, and the Town Clerk's certificate that such bylaws, ordinances, and regulations were duly adopted and passed at an annual meeting of said Town or at a special meeting thereof lawfully called for that purpose or were duly enacted and adopted by the Selectboard of the Town~~

~~under authority of law or under authority of a vote of the Town shall be prima facie evidence of such fact in any court in this State; and certified copies of said bylaws, ordinances, and regulations and the Clerk's certificates shall be received as evidence in all the courts of the State.~~

~~§ 10. PENALTIES~~

~~(a) Fines, penalties, and forfeitures up to and including \$200.00, for each breach of an ordinance or bylaw, may be established by the Selectboard, or by a properly warned Town meeting. These fines, penalties, and forfeitures may be recovered in an action of tort brought in the name of the Town, and in any such action a general complaint relying on the ordinance or the bylaw shall be sufficient. The process may issue either against the body or the property of the defendant, and if the defendant is found guilty, and if it is found by the court that the cause of action arose from his or her willful or malicious act or neglect, it shall so adjudge, and may further adjudge that he or she be confined in close jail, and may issue execution against his or her body with a certificate of such findings endorsed thereon; and such execution with such certificate thereon shall have the same effect as an execution issued on a judgment founded upon tort having a like certificate endorsed thereon.~~

~~(b) Any person refusing to comply with any Town ordinance or bylaw, relating to his or her business may be enjoined by a proper action in chancery brought in the name of the Town, from continuing such business in violation of such ordinance or bylaw, and in any such action a bill relying on the ordinance or bylaw shall be sufficient.~~

~~(c) Nothing in this section shall be construed to prevent the Town from having and exercising such other powers as may be proper to enforce obedience to its ordinances and bylaws and to punish violations thereof.~~

~~§ 11. PROSECUTION OF VIOLATIONS~~

~~All violations of ordinances or bylaws may be prosecuted in behalf of the Town by its attorney, or police officers, or by any other duly authorized prosecuting officer, before the Caledonia Municipal Court; and all fines, penalties, or forfeitures recovered by the said Town for violations of such ordinances or bylaws shall be paid into the Town Treasury.~~

~~§ 12. OFFICERS~~

~~The elective officers of the Town shall be those authorized by the general laws of this State, except that notwithstanding the provisions of section 3509 of the Vermont Statutes, Revision of 1947, the listers shall be appointed annually by the Selectboard, unless the Town at an annual or special meeting duly warned for that purpose shall vote otherwise.~~

~~§ 12a. COMPENSATION AND FEES~~

~~(a) The Selectboard shall annually consider, and from time to time set, the compensation of the following officers:~~

- ~~(1) Town Manager;~~
- ~~(2) Constable;~~
- ~~(3) members of the Board of Assessment.~~

~~(b) The Town Clerk and the Selectboard shall jointly set the compensation of the Town Clerk each year. The Town Treasurer and the Selectboard shall jointly set the compensation of the Town Treasurer each year. If the Selectboard and the Town Clerk or Town Treasurer are unable to agree on the amount of either officer's compensation, that officer's compensation shall be set by vote of the Town and the Selectboard shall include an article or articles in the annual meeting warning to that effect. The article or articles shall be adopted or modified by the vote of the majority of those eligible to vote who are present at the meeting. The article or articles shall not be voted on by Australian ballot.~~

~~(c) The Town Manager, with the approval of the Selectboard, shall set the compensation of all other town officers and employees.~~

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~~§ 13. EXPIRATION OF TERMS OF SELECTBOARD MEMBERS UPON MERGER~~

~~Upon such effective date of the merger of the Village of St. Johnsbury and the Town of St. Johnsbury the Selectboard members shall continue in office for the remainder of their respective terms and the other officers of the Town of St. Johnsbury shall continue in office until the first Tuesday in March next following, and their successors shall have been elected or appointed; and the ordinances of the Village of St. Johnsbury then in force shall remain of full force and effect, following the effective date of this act for a period of one year only, so far as such ordinances shall continue to be applicable and appropriate, except as repealed, amended, altered, or modified by the Selectboard of the Town of St. Johnsbury, and as respects only that part of the Town of St. Johnsbury comprised within the limits of the Village of St. Johnsbury, as defined by 1927 Acts and Resolves No. 179.~~

~~§ 14. AUTHORITY TO MERGE; EXPIRATION~~

~~The authority granted by this charter to the Village of St. Johnsbury and the Town of St. Johnsbury to merge shall expire 20 years from the date of the~~

~~passage and adoption of this charter unless all of the municipalities mentioned herein shall have voted to adopt the provisions hereof within such period~~

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~~§ 18. BOARD OF ASSESSMENT~~

~~(a) Creation. There is hereby created a Board of Assessment composed of the three listers.~~

~~(b) Duties. The Board of Assessment shall exercise all powers and duties with respect to grievances, otherwise imposed upon the listers or a board of listers under the laws of the State of Vermont, except as otherwise provided in this charter.~~

~~* * *~~

~~§ 20. UNDESIGNATED RESERVE FUND~~

~~The Selectboard may annually reserve any surplus in the essential services budget, not to exceed five percent of the budget, for the purpose of establishing an undesignated reserve fund. The reserve fund shall be kept in a separate account and invested as are other public funds and may be expended for purposes as may be authorized by a majority of the voters present and voting at an annual or special meeting duly warned.~~

~~§ 101. ADDITIONAL TOWN POWERS~~

~~In addition to powers otherwise conferred by law, the Town of St. Johnsbury is authorized to adopt, amend, repeal, and enforce ordinances:~~

~~(1) relating to collection and removal of garbage, ashes, rubbish, refuse, waste, and scrap by the Town and establishment of rates to be paid to the Town for such service; and~~

~~(2) relating to construction and alteration of public and private buildings and the use thereof, including establishment of minimum standards for plumbing, heating, and wiring, so as to prevent hazardous and dangerous conditions, fires, and explosions by precautionary regulations and inspection.~~

~~§ 102. INITIATIVE; ADVISORY VOTES~~

~~The voters of the Town have the power to petition for a nonbinding advisory vote to reflect public sentiment. The petition shall be signed by at least five percent of the voters of the Town and shall state that it is advisory only. The Select Board, upon receipt of the petition, shall place the article on the warning for the next Town meeting or any other Town election.~~

Subchapter 2. Town Officers§ 201. ELECTIVE OFFICERS

(a) The elective officers of the Town shall be five Select Board members elected from the Town at large at a duly warned annual town meeting; a Town Clerk; a Treasurer; and a Moderator, unless by a majority vote of the Town the Moderator becomes an appointed position.

(b) Select Board terms shall include three positions with a three-year term and two positions with a one-year term. All other elective officers shall hold office for a three-year term. The term shall expire the first day following the annual Town meeting.

§ 202. APPOINTIVE OFFICERS

(a) The Select Board members shall annually appoint a Constable and other officers required by law or this charter, the appointments to be made as vacancies occur in the elected positions.

(b) The Select Board members may create appointive officers not provided for by this charter or required by law as they deem to be in the best interests of the Town.

§ 203. COMPENSATION

(a) Compensation paid to the Select Board members shall be set by the voters at Town meeting.

(b) Subject to subsection (a) of this section, the Select Board shall fix the compensation of all elective officers and of all officers appointed by the Select Board.

(c) The Town Manager, under policies approved by the Select Board, shall fix the compensation of all other officers and employees whose compensation is not fixed by the Select Board pursuant to subsection (b) of this section.

Subchapter 3. Select Board§ 301. SELECT BOARD; LEGISLATIVE BODY

The Select Board shall constitute the legislative body of the Town of and shall have all powers and authority necessary for the performance of the legislative function.

§ 302. ADDITIONAL POWERS OF THE SELECT BOARD

In addition to powers otherwise conferred by law, the Select Board is authorized to adopt, amend, repeal, and enforce ordinances:

(1) regulating the parking and operation of motor vehicles; including, in accordance with any other provisions of law, the establishment of speed zones wherein the limit is less than 20 miles per hour, all as may be required by the safety and welfare of the inhabitants of the Town;

(2) relating to regulation, licensing, and prohibition of the storage and accumulation of junk cars, garbage, ashes, rubbish, refuse, waste, and scrap and the collection, removal, and disposal of such materials; and

(3) relating to restraining the running at large of dogs, cats, and other domestic animals, including any such animals as may be kept by residents of the town, whether classified as domestic, exotic, or otherwise.

§ 303. FURTHER POWERS OF THE SELECT BOARD

In addition to powers otherwise conferred by law, the Select Board members shall also have the power to:

(1) create, consolidate, or dissolve departments as necessary or relevant for the performance of municipal services;

(2) create, consolidate, or dissolve commissions and committees as necessary or relevant and appoint the commission and committee members;

(3) provide on an annual basis an independent audit of all Town financial records by a certified public accountant;

(4) inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs; and

(5) discharge all duties devolving on the Town Agent by general law and hire attorneys on behalf of the Town.

§ 304. ORGANIZATION OF THE SELECT BOARD

(a) Forthwith after the annual meeting of the town, the Select Board members shall organize and elect a Chair and Vice Chair.

(b) The Chair of the Board, or in the Chair's absence, the Vice Chair, shall preside at all meetings of the Board and the presiding officer shall be a voting member of the Board.

(c) When a vacancy occurs on the Select Board, the remaining members may fill the vacancy by appointment of a registered voter of the Town, such appointment to be for the period until the next annual meeting, when the voters of the Town shall fill the vacancy.

(d) The Board shall fix the time and place of its regular meetings to be held at least twice a month.

(e) The presence of three members shall constitute a quorum.

Subchapter 4. Town Manager§ 401. APPOINTED BY THE SELECT BOARD

The Select Board members shall appoint a Town Manager for an indefinite term and upon such conditions as they may determine.

§ 402. TOWN MANAGER NONPARTISAN

(a) The Town's interests in preserving integrity and efficiency in the execution and management of its government are best served by a Town Manager who is prohibited from the fact and appearance of political partisanship in the operation of the office.

(b) The Town Manager shall be chosen solely on the basis of the individual's executive, administrative, and professional qualifications.

(c) The Town Manager shall not take part in the organization or direction of a political party, serve as a member of a party committee, or be a candidate for election to any partisan office.

§ 403. OATH AND BOND

Before entering upon the Manager's duties, the Town Manager shall be sworn to the faithful performance of the Manager's duties by the Town Clerk and shall be bonded in an amount and with sureties as the Select Board may require.

§ 404. DUTIES FOR MANAGER

(a) The Town Manager shall be the Chief Executive Officer of the Town and shall:

(1) Carry out the policies established by the Select Board, to whom the Town Manager shall be accountable.

(2) Attend all meetings of the Select Board, except when the Manager's compensation or removal is being considered; keep the Select Board informed of the financial condition and future needs of the Town; and make any other reports that may be required by law, requested by the Select Board, or deemed by the Manager to be advisable.

(3) Perform all other duties prescribed by this charter or required by law or by resolution of the Select Board.

(4) Be an ex-officio member of all standing committees except the Development Review Board and shall not vote.

(5) Prepare an annual budget, submit it to the Select Board, and be responsible for its administration after adoption.

(6) Compile for general distribution at the end of each fiscal year a complete report on the finances and administrative activities of the Town for the year.

(7) Provide to the Select Board a monthly financial statement, with a copy to the Town Treasurer.

(8) Perform all duties now conferred by law on the Road Commissioner within all areas of the Town, except within villages that vote not to surrender their charters under this charter, notwithstanding the provisions of 24 V.S.A. § 1236(5).

(9) Perform all duties now conferred by law on the Collector of Delinquent Taxes.

(10) Under policies approved by the Select Board, be the General Purchasing Agent of the Town and purchase all equipment and supplies and contract for services for every department pursuant to the purchasing and bid policies approved by the Select Board.

(11) Be responsible for the system of accounts.

(12) Be responsible for the operation of all departments, including the Police and Fire Departments.

(13) Under policies approved by the Select Board, have exclusive authority to appoint, fix the salaries of, suspend, and remove, all officers and employees except those who are elected or who are appointed by the Select Board. When the Town Manager position is vacant, this authority shall be exercised by the Select Board.

(b) The Town Manager may, when advisable or proper, delegate to subordinate officers and employees of the Town any duties conferred upon the Manager.

§ 405. COMPENSATION

The Town Manager shall receive such compensation as may be fixed by the Select Board.

§ 406. APPOINTMENTS

Except for those appointments made by the Select Board as provided for in this charter, the Town Manager shall appoint and remove all Town employees, including Chief of the Fire Department, Chief of Police, Director of Public Works, Assistant Town Manager, Finance Director, Zoning Administrator, Assessor, Code Compliance Officer, Health Officer, Parks Director and Tree Warden, Recreation Director, and all other officers and employees as may be required by general law of the State, by this chapter, or by the Select Board.

§ 407. REMOVAL OF THE TOWN MANAGER

(a) The Town Manager may be removed from office for cause, by a majority vote of the Select Board at a duly warned meeting for that purpose, as provided by general law or employment contract. At least 30 days prior to the effective date of the removal, the Select Board shall by majority vote of its members adopt a resolution stating the reason for the removal and cause a copy of such resolution to be given to the Manager. The Select Board may by such resolution immediately suspend the Town Manager from active duty but shall continue the Manager's salary until final dismissal, unless otherwise contracted between the Select Board and the Town Manager.

(b) Town Manager appointments shall continue until removed by the Town Manager. Removals by the Town Manager shall be in accordance with any personnel policy or plan adopted.

Subchapter 5. Taxation§ 501. TAXES

Taxes shall be assessed by the Town based on the fair market value of real property, in accordance with State law.

§ 502. FAIR MARKET VALUE OF REAL ESTATE

(a) In the event that the fair market value of real estate is materially changed because of total or partial destruction of or damage to the property or because of alterations, additions, or other capital improvements, the taxpayer may appeal as provided by law.

(b) When the fair market value of real estate is finally determined by appeal to the Board of Civil Authority, then the value so fixed shall be the fair market value of the real estate for the year in which the appeal is taken.

(c) When the fair market value of real estate is finally determined by the Director of Property Valuation and Review (PVR) or by a court having jurisdiction, then the value so fixed shall be the fair market value of the real estate for the year for which such appeal is taken and for the ensuing two years unless the taxpayer's property is altered materially; is damaged; or if the Town in which it is located has undergone a complete revaluation of all taxable real estate, in the event of which, such fair market value may be changed.

§ 503. SPECIAL ASSESSMENTS

Despite any contrary provision in general law, the Select Board may in its sole discretion make a special assessment upon real estate for the installation or construction of a public improvement, the special assessment to be the

proportion of the total cost of the improvement as the benefit to a parcel of real estate bears to the total benefit resulting to the public in general.

§ 504. CREATION OF ST. JOHNSBURY DOWNTOWN DISTRICT

There is hereby created in the Town of St. Johnsbury a special district to be known as the St. Johnsbury Downtown Improvement District which shall be that area set forth on a map approved by the voters of St. Johnsbury and filed with the Town Clerk. The area of the District may be changed upon a majority vote of the legal voters at an annual or special meeting duly warned.

§ 505. DOWNTOWN DISTRICT; PURPOSE AND POWERS

(a) The District is created for the general purpose of maintaining and improving the economic, social, cultural, and environmental vitality and quality of the Town of St. Johnsbury, in particular, the District created by section 506 of this charter, to promote the Town and the District as a regional retail, commercial, and service center and to serve as an advocate for the orderly development of the District in order to encourage expansion of the retail, commercial, and service base of the District and the Town by attracting new business and investment.

(b) The rights, powers, and duties of the District shall be exercised by the Select Board and shall be broadly construed to accomplish the purposes set forth above and shall include the following:

- (1) to advertise and promote the Improvement District;
- (2) to represent the interests of the District;
- (3) to receive and expend contributions, grants, and income;
- (4) to expend funds as provided for in the budget or as otherwise approved;
- (5) to manage and maintain public spaces and to assume or supplement the services and maintenance heretofore provided to the District by the Town as recommended to and approved by the Select Board;
- (6) to acquire and dispose of property on behalf of the Town;
- (7) to install and make public improvements;
- (8) to improve, manage, and regulate public parking facilities and vehicular traffic within the District;
- (9) to enter into contracts as may be necessary or convenient to carry out the purpose of this charter;
- (10) to regulate, lease, license, establish rules and fees, and otherwise manage the use of public spaces within the District;

(11) to plan for the orderly development of the District in cooperation with the Town Planning Commission;

(12) to do all other things necessary or convenient to carry out the purposes for which this District was created; and

(13) to appropriate annually money for the maintenance, care, improvement, and support of Fairbanks Museum, provided the same shall remain a nonprofit institution for the promotion of education.

§ 506. DOWNTOWN DISTRICT; ANNUAL BUDGET

The Town Manager shall submit each year an operating budget of anticipated expenditures and revenues to the Select Board for approval for the next fiscal year. In the event the Select Board does not approve the budget as submitted, the Select Board shall immediately return the budget to the Town Manager with its recommendations for the Town Manager's reconsideration. Appropriations other than from contributions, grants, and income shall be raised solely through District taxes that shall be assessed and collected as a tax on property as provided for in section 508 of this charter. The Select Board may borrow money in anticipation of District taxes.

§ 507. DOWNTOWN DISTRICT; TAXES

(a) District taxes are charges levied upon the owners of taxable properties located in the District, excepting properties used exclusively for residential purposes, which taxes shall be used to defray the expenses incurred in connection with the operation, maintenance, and repair of the District.

(b) The District tax for each property in the District subject to the tax shall be based upon a rate on each \$100.00 of listed value of the property as adjusted under subsection (c) of this section. The tax rate shall be determined by dividing the amount to be raised by taxes by the total value of the taxable properties on the grand list as adjusted located in the District that are subject to the District tax under this subchapter.

(c) The District tax shall be set by the Select Board upon approval of the budget by the Select Board and notice in writing thereof shall be given to owners of record as of April 1 of each year of property so assessed, or to their agents or attorneys, stating therein the amount of such District taxes, and such taxes shall be due and payable to the Town Treasurer when normal Town and school taxes are due. The Town Treasurer shall collect unpaid District taxes as provided for the collection of taxes in the charter. District taxes shall be a lien on the properties when assessed and until the tax is paid or the lien is otherwise discharged by operation of law.

(d) In the case of any property used for both residential and nonresidential purposes within the District as of April 1, the Department of Assessment shall adjust the listed value for the purposes of determining the District tax under this section to exclude the value of that portion of the property used for residential purposes. The Department of Assessment shall determine the adjusted grand list value of the business portion of the property and give notice of the same as provided under 32 V.S.A. chapter 131. Any property owner may file a grievance with the Board and appeal the decision of the Board as provided for under 32 V.S.A. chapter 131; however, the filing of an appeal of the determination of the Board and pendency of the appeal shall not vacate the lien on the property assessed, and the District taxes must be paid and continue to be paid as they become due.

Subchapter 6. Water and Wastewater Systems

§ 601. TOWN POWERS

The Town may make, alter, and repeal ordinances relating to management, operation, maintenance, replacement, and extension of a Town water and wastewater systems and may fix, and from time to time alter, water and wastewater rates.

Subchapter 7. Miscellaneous

§ 701. CHARTER REVIEW COMMITTEE

At least once every five years, the Select Board shall appoint a Charter Review Committee of not fewer than five nor more than nine members from among the residents of the Town. The Committee shall review the charter and recommend any changes it finds necessary or advisable for the purpose of improving the operation of Town government. The Committee shall prepare a written report of its recommendations in time for those recommendations to be submitted to the Select Board for review not later than one year after the appointment of the Committee. At the discretion of the Select Board, the recommendations may be warned for ballot vote at an annual or special Town meeting to be held not later than one year after the submission of the report. The Select Board shall provide in its budget for any year when a Charter Review Committee is appointed funding for the Committee.

Sec. 3. REDESIGNATIONS

In 24 App. V.S.A. chapter 151, §§ 1, 12b, 15, 16, and 21 are redesignated as §§ 702, 204, 703, 705, and 205 respectively.

Sec. 4. 24 App. V.S.A. chapter 151, § 2 is redesignated and amended to read:

§ 2 508. ASSETS TRANSFERRED; LIABILITIES; TAXATION; SPECIAL SERVICES; DOWNTOWN IMPROVEMENT DISTRICT

* * *

~~(e) A special district to be known as the St. Johnsbury Downtown Improvement District (District) is created. The District shall be that area consisting of properties with frontage on either side of Railroad Street from Cross Street to Maple Street and seven additional properties on Eastern Avenue and Pearl Street. The District is more precisely shown on the Plan "St. Johnsbury Downtown Improvement District, Revised January 3, 1997" and recorded with the Town Clerk in the Town of St. Johnsbury.~~

~~(1) Commission Creation; Membership. A St. Johnsbury Downtown Improvement District Commission (Commission) is created consisting of seven members appointed by the Selectboard. Five members shall be, at the time of appointment and during their terms, natural persons who are owners of property, managers, proprietors, operators, officers, or directors of businesses located within the District who shall be appointed to serve for a term of five years and until their successors are appointed and qualified, except that the terms of the first five commissioners shall be from the date of appointment until one year, two years, three years, four years, and five years after April 1, 1997, respectively. One member shall be a member at large who shall be, at the time of appointment and during his or her term, a legal resident of the Town of St. Johnsbury, who shall be appointed to serve for the term of five years commencing the first day of April and until the member's successor is appointed and qualified. One member shall be a Selectboard member, or an employee of the Town of St. Johnsbury, who shall be appointed to serve for a term of one year commencing the first day of April and until the member's successor is appointed and qualified. The Commission shall have a Chair and Vice Chair elected by the Commission members. Any vacancy shall be filled by the appointing authority for the remainder of the unexpired term. Commissioners may be removed by unanimous vote of the Selectboard.~~

~~(2) Purposes and Powers. The Commission is created for the general purpose of maintaining and improving the economic, cultural, and environmental vitality and quality of the Town of St. Johnsbury and, in particular, the District created by this subsection; to promote the Town and the District as a regional retail, commercial, and service center; and to serve as an advocate for orderly development of the District in order to encourage expansion of the retail, commercial, and service base of the District and the Town by attracting new business and investment.~~

~~The rights, powers, and duties of the Commission acting on its own authority or acting through the Town of St. Johnsbury Selectboard, as set forth in this section, shall be broadly construed to accomplish the purposes set forth within the District and shall include the following:~~

~~(A) to prepare a budget (the "budget") for the District in accordance with subdivision (1) of this subsection;~~

~~(B) to advertise and promote the District;~~

~~(C) to represent the interests of the District;~~

~~(D) to hire and remove personnel as provided for in the budget or as otherwise approved by the Selectboard;~~

~~(E) to apply for available governmental grants in aid and economic and in kind incentives when approved by the Selectboard;~~

~~(F) to receive and expend contributions, grants, and income;~~

~~(G) to apply for an allocation of the State's private activity bond volume cap under 26 U.S.C. § 141, as amended, when approved by the Selectboard;~~

~~(H) to expend funds as provided for in the budget or as otherwise approved by the Selectboard;~~

~~(I) to manage and maintain public spaces and to assume or supplement the services and maintenance heretofore provided the District by the Town as recommended to and approved by the Selectboard;~~

~~(J) to acquire and dispose of property as recommended to and approved by the Selectboard;~~

~~(K) to install and make public improvements as recommended to and approved by the Selectboard;~~

~~(L) to cooperate with the Town in the use, management, and improvement of public parking facilities and to undertake such management or improvements and to regulate vehicular traffic within the district as recommended by the Selectboard;~~

~~(M) to enter into contracts;~~

~~(N) to regulate, lease, license, establish rules and fees, and otherwise manage the use of public spaces within the District;~~

~~(O) to plan for the orderly development of the District in cooperation with the Town Planning Commission and as recommended to and approved by the Selectboard;~~

~~(P) to do all other things necessary or convenient to carry out the purposes of this subsection except that the Commission may not assume authority over any subject matter or activity under the jurisdiction of another Town official, department, or board as of the effective date of this subsection or contrary to any order or ordinance in effect as of such date other than to hire and remove personnel under contract or employed by the Commission, unless and until the Selectboard, by order, transfers such jurisdiction to the Commission, notwithstanding section 8 of the charter, or amends the order or ordinance.~~

~~(3) Annual Budget.—Annually the Commission shall submit to the Selectboard for approval for the next fiscal year a capital and operating budget of revenues and expenditures that shall be used exclusively to repay debt on capital improvements in the District and to defray the expenses incurred by the Commission in connection with the operation, maintenance, and repair of the District. In the event the Selectboard does not approve the budget as submitted, the Selectboard shall return the budget forthwith to the Commission with its recommendations for the Commission's reconsideration. Appropriations other than from contributions, grants, and income for the Commission shall be raised through common area fees that shall be assessed and collected as tax on property as provided for in this subsection. The Commission may, upon adoption of the annual budget and upon approval of the Selectboard, borrow money in anticipation of common area fees.~~

~~(4) Common Area Fees.~~

~~(A) Common area fees are charges levied upon the owners of taxable properties located in the District, excepting such portions of properties used for owner-occupied residential purposes.~~

~~(B)(i) The District shall have the authority to assess common area fees for taxable real estate in the district based upon one of the following assessment methods:~~

~~(I) A flat fee per taxable parcel identifiable on the grand list.~~

~~(II) A flat fee per taxable parcel plus a formula based on any one, or combination thereof, of square footages of commercial space, number of apartments, square footage of lot size, linear footage of frontage, number of parking spaces provided, number of parking spaces that would be needed to conform to the Town's existing zoning bylaws for new construction, or any equation that raises fees adequate to meet an annual Commission budget with a method that reasonably apportions costs to property owners in relation to the benefit that accrues to them.~~

~~(ii) The Commission shall only raise common area fees sufficient to meet the budget regardless of the assessment method.~~

~~(iii) The common area fees shall be established by the Commission upon approval of the Commission budget by the Selectboard and shall be assessed annually by the Selectboard to be collected at the same time and in the same manner as the Town votes to have its taxes collected, and such common area assessment shall be a lien thereon with the same priority as taxes lawfully assessed thereon.~~

~~(C) Consistent with the charter for the Town of St. Johnsbury and the laws of the United States and of this State, the Commission, with the approval of the Selectboard, may substitute any local option taxes permitted by law in lieu of common area fees that exist to meet the budget.~~

~~(D) Appeals. Persons aggrieved by any decision of the Commission involving the assessment or levy of common area fees may appeal the decision to the Selectboard by filing a written notice of appeal with the Town Clerk within 30 days of the date of such decision, and furnishing a copy of the notice of appeal to the Commission. The Selectboard shall set a date and place for a hearing on the appeal within 60 days of the filing of the notice of appeal. The Selectboard shall give the appellant and the Commission at least 15 days' notice prior to the hearing date. Any person entitled to take an appeal may appear and be heard in person or be represented by agent or attorney at such hearing. Any hearing held under this subsection may be adjourned by the Selectboard from time to time; provided, however, that the date and place of adjourned hearing shall be announced at that hearing or 15 days' notice thereof is furnished to the appellant and the Commission. The Selectboard shall render its decision, which shall include findings of fact, within 45 days after completing the hearing, and shall within that period send the appellant, and the Commission, by certified mail, a copy of the decision. An aggrieved person may appeal a decision of the Selectboard to the Caledonia County Superior Court. The appeal shall be taken in such manner as the Supreme Court may by rule provide for appeals from State agencies governed by 3 V.S.A. §§ 801 through 816. Notice of appeal shall be sent by mail to the Commission.~~

Sec. 5. 24 App. V.S.A. chapter 151, § 6 is redesignated and amended to read:

§ 6 705. FIRE DISTRICT; PROCESS FOR ABOLITION

The St. Johnsbury Center Fire District No. 1 is abolished when a majority of the legal voters of said Fire District present and voting on the question at a regular or special meeting of said Fire District warned for said purpose so vote and shall thereupon cease to exist as a political entity and body corporate. All the property and funds of said Fire District shall on such date be vested in the

Town of St. Johnsbury and the Town of St. Johnsbury shall thereupon assume all indebtedness and obligations of said Fire District unless said liabilities and obligations exceed said assets in which case said Fire District shall continue to exist until such excess is paid unless the Town of St. Johnsbury votes otherwise at a regular or special meeting warned for said purpose. Any existing debt service shall be assessed as a special assessment to those properties within the Fire District.

Sec. 6. 24 App. V.S.A. chapter 151, § 17 is redesignated and amended to read:

§ ~~17~~ 706. DEPARTMENT OF ASSESSMENT

* * *

(c) Powers. The Department of Assessment shall have the same powers, discharge the same duties, proceed in the same manner, and be subject to the same liabilities as those prescribed for listers or a board of listers under applicable provisions of Vermont law with respect to drawing up the grand list, ~~except as otherwise provided in this charter and grievances.~~

Sec. 7. 24 App. V.S.A. chapter 151, § 19 is redesignated and amended to read:

§ ~~19~~ 707. APPEALS

A person aggrieved by the final decision of the ~~Board~~ Department of Assessment under the provisions of section ~~18~~ 706 of this charter may appeal in writing under the provisions of 32 V.S.A. chapter 131.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

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

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Government Operations and Military Affairs agreed to, and third reading was ordered.

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

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

**Second Reading; Amendment Offered and Withdrawn;
Proposal of Amendment Agreed to; Third Reading Ordered**

S. 195

Rep. LaLonde of South Burlington, for the Committee on Judiciary, to which had been referred Senate bill, entitled

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

Reported in favor of its passage in concurrence with proposal of amendment 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 a person who the court determines has engaged in flight from prosecution in accordance with subdivision 7576(9) or subdivision 7554(a)(1) of this title.

(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; the number of offenses with which the person is charged; whether, at the time of the current offense or arrest, the defendant was released on conditions or personal recognizance, on probation, furlough, parole, or other release pending trial, sentencing, appeal, or completion of a sentence for an offense under federal or state law; and whether, in connection with a criminal prosecution, the defendant is compliant with court orders or has failed to appear at a court hearing. 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 pretrial supervision program pursuant to section 7555 of this title, provided that the defendant meets the criteria identified in subdivision 7551(c)(1) 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 pretrial supervision program pursuant to section 7555 of this title, provided that the defendant meets the criteria identified in subdivision 7551(c)(1) 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 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; whether, at the time of the current offense or arrest, the defendant was released on conditions or personal recognizance, on probation, furlough, parole, or other release pending trial, sentencing, appeal, or completion of a sentence for an offense under federal or state law; and whether, in connection with a criminal prosecution, the defendant is compliant with court orders or has failed to appear at a court hearing. 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, 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;
- (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. § 7555 is added to read:

§ 7555. PRETRIAL SUPERVISION PROGRAM

(a) Purpose. The purpose of the Pretrial Supervision Program is to assist eligible people through the use of evidence-based strategies to improve pretrial compliance with conditions of release, to coordinate and support the provision of pretrial 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, "absconded" has the same meaning as "absconding" as defined in 28 V.S.A. § 722(1)(B)–(C).

(c) Pretrial supervision.

(1) Beginning on January 1, 2025, the Pretrial Supervision Program shall, if ordered by the court pursuant to subsection (d) of this section, supervise defendants who have been charged with violating a condition of release pursuant to section 7559 of this title or have not fewer than five pending dockets and pose a risk of nonappearance at court hearings, a risk of flight, or a risk of endangering the public.

(2) The Department shall assign a pretrial supervisor to monitor defendants in a designated region of Vermont and help coordinate any pretrial services needed by the defendant. The Department shall determine the appropriate level of supervision using evidence-based screenings of those defendants eligible to be placed in the Program. The Department's supervision levels may include use of:

(A) the Department's telephone monitoring system;

(B) telephonic meetings with a pretrial supervisor;

(C) in-person meetings with a pretrial supervisor;

(D) electronic monitoring; or

(E) any other means of contact deemed appropriate.

(3) When placing a defendant into the Program pursuant to subsection (d) of this section, the court shall issue an order that sets the defendant's level of supervision based on the recommendations submitted by the Department of Corrections.

(d) Procedure.

(1) At arraignment or at a subsequent hearing, the prosecutor or the defendant may move, or on the court's own motion, that the defendant be reviewed by the court to determine whether the defendant is appropriate for pretrial supervision. The review shall be scheduled upon the court's receipt of a report from the Department of Corrections containing recommendations pertaining to the defendant's supervision level. A defendant held without bail pursuant to section 7553 or 7553a shall not be eligible for pretrial supervision.

(2) A defendant is eligible for pretrial supervision if the person has:

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

(B) not fewer than five pending court dockets.

(3) After a hearing and review of the Department of Corrections' report containing the defendant's supervision level recommendations, the court may

order that the defendant be released to the Pretrial Supervision Program, provided that the court finds placing the defendant under pretrial supervision will reasonably ensure the person's appearance in court when required, mitigate the person's risk of flight, or reasonably ensure protection of the public. In making such a determination, the court shall consider the following:

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

(B) the nature and circumstances of the underlying offense or offenses 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;

(D) any risk or undue burden to third parties or risk to public safety that may result from the placement; or

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

(e) Compliance and review.

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

(2) Upon the motion of the prosecutor or the defendant, or on the court's own motion, a defendant's compliance with pretrial supervision conditions may be reviewed by the court.

(3) Upon submission of the pretrial 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 pretrial supervisor, commits multiple violations of supervision requirements, or has absconded.

(f) Manual. On or before November 1, 2024, the Department of Corrections shall establish a written policies and procedures manual for Pretrial Supervision 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.

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

(h) 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. 5. 13 V.S.A. § 7559 is amended to read:

§ 7559. RELEASE; DESIGNATION; SANCTIONS VIOLATIONS OF
CONDITIONS OF RELEASE; FAILURE TO APPEAR;
WARRANTLESS ARREST

(a) ~~The officer in charge of a facility under the control of the department of corrections, county jail or a local lockup shall discharge any person held by him or her upon receipt of an order for release issued by a judicial officer pursuant to section 7554 of this title, accompanied by the full amount of any bond or cash bail fixed by the judicial officer. The officer in charge, or a person designated by the Court Administrator, shall issue a receipt for such bond or cash bail, and shall account for and turn over such bond or cash bail to the court having jurisdiction~~ The State's Attorney may commence a prosecution for criminal contempt under Rule 42 of the Vermont Rules of Criminal Procedure against a person who violates a condition of release imposed under section 7554 of this title. The maximum penalty that may be imposed under this section shall be a fine of \$1,000.00 or imprisonment for six months, or both.

(b) ~~The Court Administrator shall designate persons to set bail for any person under arrest prior to arraignment when the offense charged provides for a penalty of less than two years imprisonment or a fine of less than \$1,000.00 or both. Such persons designated by the Court Administrator shall be considered judicial officers for the purposes of sections 7554 and 7556 of this title~~ Upon commencement of a prosecution for criminal contempt, including when considering an afterhours request to set temporary conditions or impose bail for criminal contempt, or upon the initial appearance of the person to answer such offense, in accordance with section 7553, 7553a, 7554, or 7575 of this title, a judicial officer may continue or modify existing conditions of release or terminate release of the person.

(c) ~~Any person who is designated by the Court Administrator under subsection (b) of this section, may refuse the designation by so notifying the Court Administrator in writing within seven days of the designation~~ A person who has been released pursuant to section 7554 of this title with or without bail on condition that the person appear at a specified time and place in connection with a prosecution for an offense and who without just cause fails to appear shall be imprisoned not more than two years or fined not more than \$5,000.00, or both.

(d) ~~A person who has been released pursuant to section 7554 of this title with or without bail on condition that he or she appear at a specified time and place in connection with a prosecution for an offense and who without just cause fails to appear shall be imprisoned not more than two years or fined not~~

~~more than \$5,000.00, or both Notwithstanding Rule 3 of the Vermont Rules of Criminal Procedure, a law enforcement officer may arrest a person without a warrant when the officer has probable cause to believe the person without just cause has failed to appear at a specified time and place in connection with a prosecution for an offense or has violated a condition of release relating to a restriction on travel or a condition of release that the person not directly contact, harass, or cause to be harassed a victim or potential witness.~~

~~(e) The State's Attorney may commence a prosecution for criminal contempt under Rule 42 of the Vermont Rules of Criminal Procedure against a person who violates a condition of release imposed under section 7554 of this title. The maximum penalty that may be imposed under this subsection shall be a fine of \$1,000.00 or imprisonment for six months, or both. Upon commencement of a prosecution for criminal contempt, the court shall review, in accordance with section 7554 of this title, and may continue or modify conditions of release or terminate release of the person. [Repealed.]~~

~~(f) Notwithstanding Rule 3 of the Vermont Rules of Criminal Procedure, a law enforcement officer may arrest a person without a warrant when the officer has probable cause to believe the person without just cause has failed to appear at a specified time and place in connection with a prosecution for an offense or has violated a condition of release relating to a restriction on travel or a condition of release that he or she not directly contact, harass, or cause to be harassed a victim or potential witness. [Repealed.]~~

Sec. 6. 13 V.S.A. § 7559a is added to read:

§ 7559a. RELEASE; DESIGNATION

(a) The officer in charge of a facility under the control of the department of corrections shall discharge any person held by the officer upon receipt of an order for release issued by a judicial officer pursuant to section 7554 of this title, accompanied by the full amount of any bond or cash bail fixed by the judicial officer. The officer in charge, or a person designated by the Court Administrator, shall issue a receipt for such bond or cash bail and shall account for and turn over such bond or cash bail to the court having jurisdiction.

(b) The Court Administrator shall designate persons to set bail for any person under arrest prior to arraignment when the offense charged provides for a penalty of less than two years imprisonment or a fine of not more than \$1,000.00, or both. Such persons designated by the Court Administrator shall be considered judicial officers for the purposes of sections 7554 and 7556 of this title.

(c) Any person who is designated by the Court Administrator under subsection (b) of this section, may refuse the designation by so notifying the Court Administrator in writing within seven days of the designation.

Sec. 7. COMMUNITY RESTITUTION; INTENT

It is the intent of the General Assembly that the Department of Corrections reinstitute the Community Restitution Program and ensure that it is appropriately staffed and resourced so that it may be offered in all 14 counties as a sentencing alternative.

Sec. 8. 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 noncompliance with court orders or failures to appear in connection in connection with a criminal prosecution; 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) Community restitution pursuant to a policy adopted by the Commissioner of Corrections.

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

~~(4)~~(5) Supervised community sentence pursuant to 28 V.S.A. § 352.

~~(5)~~(6) 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. 9. 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. 10. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Emmons of Springfield, for the Committee on Corrections and Institutions, recommended that the report of the Committee on Judiciary be amended as follows:

First: By striking out Sec. 3, 13 V.S.A. § 7554b, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

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 Defendants with the inability to pay bail.

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

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

(3)(C) 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.

(e)(2) Failure to comply. The Department of Corrections may revoke 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.

(c) Defendants who violate conditions of release.

(1) Procedure. At the request of the court, the prosecutor, or the defendant, the status of a defendant who has allegedly violated conditions of release 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, 2024. 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 mitigate the defendant's risk of flight, the risk of nonappearance, or reasonably ensure protection of the public, and the proposed residence is appropriate for home detention. In making such a determination, the court shall consider the factors listed in subdivisions (b)(1)(A)–(C) of this section.

(2) Failure to comply. The Department of Corrections may report a defendant's unauthorized absence or failure to comply with any other condition of the Program 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 request:

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

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

or

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

(f) Policies and procedures. The Department of Corrections shall establish written policies and procedures for the Home Detention Program to be used by the Department, any contractors or grantees that the Department engages with to assist with the monitoring operations of the program, and to assist the courts in understanding the Program.

Second: By striking out Sec. 4, 13 V.S.A. § 7555, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. 13 V.S.A. § 7555 is added to read:

§ 7555. PRETRIAL SUPERVISION PROGRAM

(a) Purpose. The purpose of the Pretrial Supervision Program is to assist eligible people through the use of evidence-based strategies to improve pretrial compliance with conditions of release, to coordinate and support the provision of pretrial 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, “absconded” has the same meaning as “absconding” as defined in 28 V.S.A. § 722(1)(B)–(C).

(c) Pretrial supervision.

(1) Except as provided in subsection (g) of this section, beginning on January 1, 2025, the Pretrial Supervision Program shall, if ordered by the court pursuant to subsection (d) of this section, monitor defendants who have been charged with violating a condition of release pursuant to section 7559 of this title or have not fewer than five pending dockets and pose a risk of nonappearance at court hearings, a risk of flight, or a risk of endangering the public.

(2) The Department shall assign a pretrial supervision officer to monitor defendants in a designated region of Vermont and help coordinate any pretrial services needed by the defendant. The Department shall determine the appropriate level of supervision using evidence-based screenings of those defendants eligible to be placed in the Program. The Department’s supervision levels may include use of:

(A) the Department’s telephone monitoring system;

(B) telephonic meetings with a pretrial supervisor;

(C) in-person meetings with a pretrial supervisor;

(D) electronic monitoring; or

(E) any other means of contact deemed appropriate.

(3) When placing a defendant into the Program pursuant to subsection (d) of this section, the court shall issue an order that sets the defendant’s level of supervision based on the recommendations submitted by the Department of Corrections.

(d) Procedure.

(1) At arraignment or at a subsequent hearing, the prosecutor or the defendant may move, or on the court’s own motion, that the defendant be reviewed by the court to determine whether the defendant is appropriate for pretrial supervision. The review shall be scheduled upon the court’s receipt of a report from the Department of Corrections containing recommendations pertaining to the defendant’s supervision level.

(2) A defendant is eligible for pretrial supervision if the person has:

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

(B) not fewer than five pending court dockets.

(3) After a hearing and review of the Department of Corrections' report containing the defendant's supervision level recommendations, the court may order that the defendant be released to the Pretrial Supervision Program, provided that the court finds placing the defendant under pretrial supervision will reasonably ensure the person's appearance in court when required, will reasonably mitigate the risk of flight, or reasonably ensure protection of the public. In making such a determination, the court shall consider the following:

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

(B) the nature and circumstances of the underlying offense or offenses 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;

(D) any risk or undue burden to third parties or risk to public safety that may result from the placement; or

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

(e) Compliance and review.

(1) Pretrial supervision officers shall notify the prosecutor and use reasonable efforts to notify the defendant of any violations of court-imposed Program conditions committed by the defendant.

(2) Pretrial supervision officers may notify the prosecutor and use reasonable efforts to notify the defendant of any violations of Department-imposed administrative conditions committed by the defendant.

(3) Upon the motion of the prosecutor or the defendant, or on the court's own motion, a defendant's compliance with pretrial supervision conditions may be reviewed by the court.

(4) Upon submission of the pretrial supervision officer's sworn affidavit by the prosecutor, the court may issue a warrant for the arrest of a defendant who fails to report to the pretrial supervision officer, commits multiple violations of supervision requirements, or has absconded.

(f) Policies and procedures.

(1) On or before November 1, 2024, the Department of Corrections shall establish written policies and procedures for the Pretrial Supervision Program to be used by the Department and any contractors or grantees that the Department engages with to assist in the monitoring operations of the Program and to assist the courts in understanding the Program.

(2) The Department shall develop policies and procedures concerning supervision levels, evidence-based criteria for each supervision level, and the means of contact that is appropriate for each supervision level.

(g) Contingent on funding. The Pretrial Supervision Program established in this section shall operate only to the extent funds are appropriated for its operation. If the Program is not operating in a particular county, the courts shall not order pretrial supervision as a condition of release in accordance with section 7554 of this title.

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

Third: By adding a new Sec. 10 to read as follows:

Sec. 10. JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE;
PRETRIAL SUPERVISION PROGRAM; RECOMMENDATIONS;
REPORT

(a) The Joint Legislative Justice Oversight Committee shall review the PreTrial Supervision Program established pursuant to 13 V.S.A. § 7555. The Committee shall review and provide recommendations to the Department of Corrections for the most prudent use of any funds appropriated to the Department to operate the Program. The review shall also include recommendations concerning the geographic areas that the Department may first implement the Program and future funding mechanisms for the Program.

(b) The Committee's recommendations pursuant to subsection (a) of this section shall be submitted to the Department on or before September 1, 2024 and to the General Assembly on or before November 15, 2024.

Fourth: By adding a new Sec. 11 to read as follows:

Sec. 11. CORRECTIONS MONITORING COMMISSION; DEFICIENCIES
RECONSTITUTION; REPORT

(a) On or before January 1, 2025, the Corrections Monitoring Commission shall conduct a review to identify what the Commission's needs are to operate, including its structural challenges; recommendations of changes to the membership of the Commission; the training necessary for members to operate effectively as a Commission; and the resources necessary given its mandates pursuant to 28 V.S.A. § 123.

(b) On or before January 15, 2025, the Commission shall present the results of the review to the Senate Committee on Judiciary and the House Committee on Corrections and Institutions.

Fifth: By adding a new Sec. 12 to read as follows:

Sec. 12. PROSPECTIVE REPEAL

13 V.S.A. § 7555 shall be repealed on December 31, 2026.

and by renumbering the remaining sections to be numerically correct.

Rep Squirrell of Underhill, for the Committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on Judiciary and when further amended as recommended by the Committee on Corrections and Institutions.

The bill, having appeared on the Notice Calendar was taken up, and read the second time.

Pending the question, Shall the report of the Committee on Judiciary be amended as recommended by the Committee on Corrections and Institutions?, **Rep. Emmons of Springfield** moved to amend the report of the Committee on Corrections and Institutions in the second instance of amendment, in Sec. 4, 13 V.S.A. § 7555, by striking out subdivisions (c)(2)(B) and (C) in their entirety and inserting in lieu thereof new subdivisions (c)(2)(B) and (C) to read as follows:

(B) telephonic meetings with a pretrial supervision officer;

(C) in-person meetings with a pretrial supervision officer;

Which was agreed to.

Thereupon, the report of the Committee on Judiciary was amended as recommended by the Committee on Corrections and Institutions, as amended.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Judiciary, as amended?, **Rep. Peterson of Clarendon** moved to amend the report of the Committee on Judiciary, as amended, as follows:

First: In Sec. 9, 18 V.S.A. § 4253, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(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~~ less than three years and fined not more than \$5,000.00, in addition to the penalty for the underlying crime.

Second: In Sec. 9, 18 V.S.A. § 4253, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(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~~ less than five years and fined not more than \$10,000.00, in addition to the penalty for the underlying crime.

Thereupon, **Rep. Peterson of Clarendon** asked and was granted leave of the House to withdraw his amendment.

Thereafter, the report of the Committee on Judiciary, as amended, was agreed to and third reading was ordered.

Second Reading; Consideration Interrupted

S. 259

Rep. Sheldon of Middlebury, for the Committee on Environment and Energy, to which had been referred Senate bill, entitled

An act relating to climate change cost recovery

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 2, 10 V.S.A. chapter 24A, in section 596, in subdivision (21), after “the Fund and the Program and” and before “a climate change adaptation project” by striking out the words “as part of the support of” and inserting in lieu thereof the words “to pay for”

Second: In Sec. 2, 10 V.S.A. chapter 24A, in section 598, in subsection (d), after “Inventories as applied to the” and before “fossil fuel volume data” by striking out the words “best publicly available”

and in section 598, by striking out subdivision (g)(2)(C) in its entirety and inserting in lieu thereof a new subdivision (g)(2)(C) to read as follows:

(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 may charge reasonable interest on each installment payment or a payment delayed for any other reason and, at the Secretary’s discretion, may adjust the amount of a subsequent installment payment or a payment delayed for any other reason to reflect increases or decreases in the Consumer Price Index.

and in section 598, in subsection (i), in the first sentence, after “with the Secretary within” and before “days following issuance” by striking out the number “15” and inserting in lieu thereof the number “30”

and in section 598, by striking out subsection (j) in its entirety and inserting in lieu thereof a new subsection (j) to read as follows:

(j) Nothing in this section shall be construed to supersede or diminish in any way any other remedies available to a person, as that term is defined in 1 V.S.A. § 128, at common law or under statute.

Third: In Sec. 2, 10 V.S.A. chapter 24A, in section 599a, in subdivision (b)(1), after “adopting methodologies using” and before “available science” by striking out the words “the best”

Fourth: By striking out Sec. 7, effective date, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. EFFECTIVE DATES

This act shall take effect July 1, 2024, expect that, notwithstanding 1 V.S.A. §§ 213 and 214, the liability of responsible parties for cost recovery demands under 10 V.S.A. chapter 24A shall apply retroactively to the covered period beginning January 1, 1995.

Rep. James of Manchester presiding.

Rep. Christie of Hartford, for the Committee on Judiciary, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on Environment and Energy.

Speaker presiding.

Rep. Taylor of Colchester, for the Committee on Ways and Means, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on Environment and Energy.

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on Environment and Energy.

The bill, having appeared on the Notice Calendar, was taken up, and read the second time.

**Orders of the Day Interrupted; Pending Entry on the Notice Calendar
Bill Referred to the Committee on Ways and Means**

S. 167

On motion of **Rep. McCoy of Poultney**, the rules were suspended to interrupt the Orders of the Day to take up Senate bill, entitled

An act relating to miscellaneous amendments to education law

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State or materially affecting the revenue of one or more municipalities, the bill was referred to the Committee on Ways and Means.

Recess

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

Called to Order

At one o'clock and thirty-five minutes in the afternoon, the Speaker called the House to order.

Pending Entry on the Notice Calendar Bill Referred to the Committee on Appropriations

S. 167

Senate bill, entitled

An act relating to miscellaneous amendments to education law

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Consideration Resumed; Proposal of Amendment Agreed to; Third Reading Ordered

S. 259

Consideration resumed on Senate bill, entitled

An act relating to climate change cost recovery

Thereafter, the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Environment and Energy?, was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Sheldon of Middlebury** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time?, was decided in the affirmative. Yeas, 100. Nays, 33.

Those who voted in the affirmative are:

Andrews of Westford
Andriano of Orwell
Anthony of Barre City
Arsenault of Williston

Dodge of Essex
Dolan of Essex Junction
Dolan of Waitsfield
Durfee of Shaftsbury

Mrowicki of Putney
Nicoll of Ludlow
Notte of Rutland City
Noyes of Wolcott

Austin of Colchester	Elder of Starksboro	Nugent of South Burlington
Bartholomew of Hartland	Emmons of Springfield	O'Brien of Tunbridge
Beck of St. Johnsbury	Garofano of Essex	Ode of Burlington
Berbeco of Winooski	Goldman of Rockingham	Pajala of Londonderry
Birong of Vergennes	Graning of Jericho	Patt of Worcester
Black of Essex	Headrick of Burlington	Pouech of Hinesburg *
Bluemle of Burlington	Holcombe of Norwich	Priestley of Bradford
Bongartz of Manchester	Hooper of Burlington	Rachelson of Burlington *
Bos-Lun of Westminster	Howard of Rutland City	Rice of Dorset *
Boyden of Cambridge	Hyman of South Burlington	Roberts of Halifax
Brady of Williston	James of Manchester	Satcowitz of Randolph
Brown of Richmond	Jerome of Brandon	Scheu of Middlebury
Brumsted of Shelburne	Kornheiser of Brattleboro	Sheldon of Middlebury *
Burke of Brattleboro	Krasnow of South	Sibilia of Dover *
Burrows of West Windsor	Burlington	Sims of Craftsbury
Campbell of St. Johnsbury	Lalley of Shelburne	Small of Winooski
Carpenter of Hyde Park	LaLonde of South	Squirrell of Underhill
Carroll of Bennington	Burlington *	Stebbins of Burlington *
Casey of Montpelier	LaMont of Morristown	Stevens of Waterbury
Chase of Chester	Lanpher of Vergennes	Stone of Burlington *
Chase of Colchester	Leavitt of Grand Isle	Surprenant of Barnard
Chesnut-Tangerman of	Logan of Burlington	Taylor of Colchester
Middletown Springs	Long of Newfane	Toleno of Brattleboro
Christie of Hartford	Masland of Thetford	Torre of Moretown
Cina of Burlington	McCann of Montpelier	Troiano of Stannard
Coffey of Guilford	McCarthy of St. Albans	Waters Evans of Charlotte
Cole of Hartford	City	White of Bethel
Conlon of Cornwall	McGill of Bridport	Whitman of Bennington
Corcoran of Bennington	Mihaly of Calais	Williams of Barre City
Cordes of Lincoln	Minier of South Burlington	Wood of Waterbury
Demrow of Corinth	Morris of Springfield	

Those who voted in the negative are:

Arrison of Weathersfield *	Harrison of Chittenden	Page of Newport City
Branagan of Georgia	Labor of Morgan	Parsons of Newbury
Canfield of Fair Haven	LaBounty of Lyndon	Peterson of Clarendon
Clifford of Rutland City	Laroche of Franklin	Quimby of Lyndon
Demar of Enosburgh	Marcotte of Coventry	Sammis of Castleton *
Donahue of Northfield	Mattos of Milton	Shaw of Pittsford
Galfetti of Barre Town *	McCoy of Poultney	Smith of Derby
Goslant of Northfield	McFaun of Barre Town	Taylor of Milton
Graham of Williamstown	Morgan of Milton	Toof of St. Albans Town
Gregoire of Fairfield	Morrissey of Bennington	Walker of Swanton
Hango of Berkshire	Oliver of Sheldon	Williams of Granby

Those members absent with leave of the House and not voting are:

Bartley of Fairfax	Dickinson of St. Albans	Lipsky of Stowe
Brennan of Colchester	Town	Maguire of Rutland City
Brownell of Pownal	Farlice-Rubio of Barnet	Pearl of Danville

Burditt of West Rutland
Buss of Woodstock
Chapin of East Montpelier

Higley of Lowell
Hooper of Randolph
Houghton of Essex Junction

Templeman of Brownington

Rep. Arrison of Weathersfield explained his vote as follows:

“Madam Speaker:

Choose your battles. I could support joining a class action but not a battle without the forces to win.”

Rep. Galfetti of Barre Town explained her vote as follows:

“Madam Speaker:

I voted no to gambling away the money of hardworking Vermonters on legislation that may not only fail in the courts, but in its failure obligate the State to pay millions in legal fees. And I voted no to protect Vermonters from skyrocketing costs of fuel that passage of this bill will most certainly bring. I will fight to protect Vermonters, not expose them to more economic hardships on a gamble.”

Rep. Lalonde of South Burlington explained his vote as follows:

“Madam Speaker:

S.259 would have the major fossil fuel extracting and refining companies pay their fair share. It is well within the State’s general police power to enact a Climate Superfund law to protect and improve the welfare of Vermonters.”

Rep. Pouech of Hinesburg explained his vote as follows:

“Madam Speaker:

I voted yes to S.259 to reduce the huge cost burden that climate change puts on our children and Vermont’s next generation. They will need help and should be helped by the companies who benefitted despite their knowledge of the cost impacts of their products.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

S.259 takes a sound and proven approach to addressing the damages that Vermonters feel, fear, live with, are paying for, and will continue to pay for from climate change. The bill is neither punitive nor overly risky. The approach is similar to both a State law and a federal effort that hold companies responsible for cleaning up their messes. The federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund has been holding polluters responsible for cleaning up toxic waste since 1980; and Vermont’s own Act 93 of 2022 An Act Relating To

Establishing a Cause of Action For Medical Monitoring Expenses, the first of its kind in the nation, uses strict liability to hold chemical companies responsible if Vermonters have been exposed to PFAS and other chemicals of concern, and allows Vermont to sue manufacturers of hazardous material for the costs of the cleanup of a release of such material. A statewide poll shows 64% of Vermonters supported the approach of this bill.”

Rep. Rice of Dorset explained his vote as follows:

“Madam Speaker:

I vote yes to have Vermonters’ backs. We know that climate change-related natural disasters are only becoming more common and more devastating, and our municipalities, our small businesses, our farmers, our constituents need additional resources to mitigate, adopt, and move on with resilience. This bill will help recover those resources on their behalf.”

Rep. Sammis of Castleton explained his vote as follows:

“Madam Speaker:

With the amount of money this government is burning, maybe we should start examining ourselves as a source of carbon. Wouldn’t that be something. Activist politics impacts all Vermonters.”

Rep. Sheldon of Middlebury explained her vote as follows:

“Madam Speaker:

My constituents sent me to Montpelier to do something about climate change. I proudly vote yes to create a Climate Superfund that will assist our communities in adapting and mitigating its effects.”

Rep. Sibilia of Dover explained her vote as follows:

“Madam Speaker:

I voted yes. Wait and see is not an acceptable affordability strategy for addressing escalating costs our communities are facing from climate change damages.”

Rep. Stebbins of Burlington explained her vote as follows:

“Madam Speaker:

I vote yes because it is only fair for these companies to pay their share. Vermonters should not have to go this alone. Not doing anything is not affordable.”

Rep. Stone of Burlington explained her vote as follows:

“Madam Speaker:

Climate action, or rather the fear of inaction, is one of the top concerns I hear about from Vermonters. Climate anxiety and distress are pervasive. That’s why I supported this bill. It’s a meaningful step forward toward accountability to help ensure a brighter future for Vermonters. In the words of Mary Oliver, ‘be ignited or be gone.’”

Message from the Senate No. 57

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

Madam Speaker:

I am directed to inform the House that:

H. 882. An act relating to capital construction and State bonding budget adjustment.

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

**Committee Bill; Second Reading; Third Reading Ordered;
Rules Suspended, All Remaining Stages of Passage; Third Reading;
Bill Passed; Rules Suspended, Messaged to the Senate Forthwith**

H. 889

Rep. McCarthy of St. Albans City spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to compensation for certain State employees (Pay Act)

Rep. Mihaly of Calais, for the Committee on Appropriations, recommended the bill ought to pass.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

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

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

Favorable Report; Second Reading; Third Reading Ordered**S. 246**

Rep. Burrows of West Windsor, for the Committee on General and Housing, to which had been referred Senate bill, entitled

An act relating to amending the Vermont basic needs budget and livable wage

Reported in favor of its passage in concurrence.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Adjournment

At three o'clock and twenty-one minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Saturday, May 4, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 55.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 242

House concurrent resolution in memory of Charlotte Selectboard Member and former Public Service Board Chair and Department of Public Service Commissioner Louise McCarren

H.C.R. 243

House concurrent resolution in memory of Alexander and Marilyn Mahar and recognizing the couple's special community legacy to the Town of Bennington

H.C.R. 244

House concurrent resolution congratulating the drama students and theater department of Bellows Free Academy-St. Albans on earning a berth at the 2024 New England Theatre Festival

H.C.R. 245

House concurrent resolution congratulating Mary Anderson on being named the 2024–2025 Vermont Elementary School Principal of the Year

H.C.R. 246

House concurrent resolution congratulating Grace Cottage Family Health & Hospital on its 75th anniversary

S.C.R. 14

Senate concurrent resolution commemorating the centennial of the Burlington Country Club

S.C.R. 15

Senate concurrent resolution honoring the dental career achievements, humanitarianism, and community service of Dr. David Baasch of Wallingford

[The full text of the concurrent resolutions appeared in the House and Senate Calendar Addendums on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]